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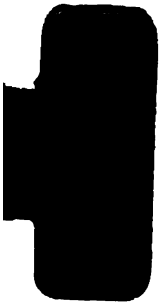

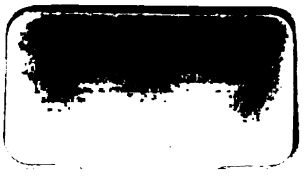

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CHARGES AGAINST MEMBERS OF THE HOUSE AND LOBBY ACTIVITIES OF THE NATIONAL ASSOCIATION OF MANUFACTURERS OF THE UNITED STATES AND OTHERS

HEARINGS

BEFORE

THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES APPOINTED UNDER HOUSE RESOLUTION 198

SIXTY-THIRD CONGRESS
FIRST SESSION

AUGUST 19 TO AUGUST 27, 1913

IN FOUR VOLUMES

VOL. 2

(INDEX IN VOL. 4)

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THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES APPOINTED UNDER HOUSE RESOLUTION 198.

FINIS J. GARRETT, Tennessee, *Chairman.*

CYRUS CLINE, Indiana.
JOSEPH J. RUSSELL, Missouri.
SCOTT FERRIS, Oklahoma.
WILLIAM H. STAFFORD, Wisconsin.
FRANK B. WILLIS, Ohio.
WILLIAM J. MACDONALD, Michigan.

CHARLES F. RIDDELL, *Clerk.*

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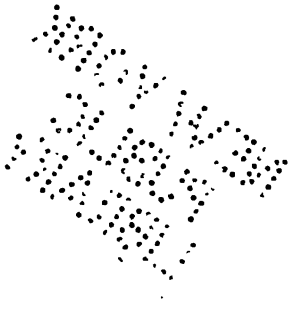

CHARGES AGAINST MEMBERS OF THE HOUSE, AND LOBBY ACTIVITIES OF THE NATIONAL ASSOCIATION OF MANUFACTURERS OF THE UNITED STATES AND OTHERS.

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Tuesday, August 19, 1913.

The committee met at 11 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, Willis, and Nolan.

TESTIMONY OF ISAAC HEIDENHEIMER—Continued.

The CHAIRMAN. I understand, Mr. Heidenheimer, that there are some statements as reported in the newspapers this morning that you desire to correct.

Mr. HEIDENHEIMER. If they are that way in my testimony.

The CHAIRMAN. In your testimony?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. I do not know how that is. What specific matter have you in mind?

Mr. HEIDENHEIMER. In regard to—the question was asked me, I can not remember exactly who asked it, whether I considered Mr. McDermott friendly, and my answer was I considered him friendly because he had experience with pawnbrokers, and his sympathies would be rather in favor of pawnbrokers, be more in favor of the pawnbrokers than those of the ordinary person who does not have the necessity of going to them. That is what I meant to say. They inferred that my answer was that there was some connection or other between him and me.

The CHAIRMAN. I am endeavoring to find that testimony in the official report, to see how it reads there.

Mr. RUSSELL. Who asked you the question you refer to?

Mr. HEIDENHEIMER. I do not remember.

The CHAIRMAN. I did. I think he was then further questioned about some other matters. Was there any other part of your testimony which you desire to refer to except that?

Mr. HEIDENHEIMER. I was asked a question about visiting Representative McDermott's room, and I said I went there once. I remember another time, early in the proceedings, when the bill was first introduced, when Mr. Horning and I visited Mr. Johnson, and had a talk about the pawnbrokers, and to see Mr. Dyer.

The CHAIRMAN. You mean Mr. Johnson, the chairman of the District Committee, and Mr. Dyer, of Missouri, the author of the bill?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Well, you did state yesterday that Mr. McDermott was the only one you visited.

Mr. HEIDENHEIMER. I did not think of it then.

The CHAIRMAN. You desire to correct that statement?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. I will try to find that other testimony, and my recollection is that your statement is about right. It is quite likely that the newspaper did not report you fully.

Mr. HEIDENHEIMER. I thought I could make myself plain on that.

The CHAIRMAN. Mr. Heidenheimer, have you brought with you the books and papers which you were yesterday requested to bring?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. I will ask you first to take the book referring to or having the account of the transactions relative to the raising of money in connection with this loan-shark legislation.

Mr. HEIDENHEIMER. I have not got any books on that.

The CHAIRMAN. Well, what papers you have.

Mr. HEIDENHEIMER. I brought this statement along. This is the only statement we have [handing paper to the chairman].

The CHAIRMAN (after examining paper). Was this statement made out at the time?

Mr. HEIDENHEIMER. That statement was made on exactly the date you see on it when we settled up.

The CHAIRMAN. February 18, 1913?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. This reads:

FEBRUARY 18, 1913.

Settlement of expenses pro rata as agreed.

Heidenheimer expended	$305.00
George Horning expended	1,492.00
Total	1,797.00
Horning's share, 40 per cent, as agreed	718.80
Heidenheimer's, 40 per cent, as agreed	718.80
Burnstine's, 20 per cent, as agreed	350.40
Total	1,797.00
Previous settlement	1,687.36
Tucker, Kenyon & Macfarland (retainer)	250.00
Amount expended as above	1,797.00
Total amount expended on bill	3,734.36

Mr. HEIDENHEIMER. I also read in the papers this morning that I stated the amount was spent all in one year. I would like to see how that is stated in the record.

The CHAIRMAN. We will look that up and see how it is. What other documents have you relating to this matter? This first paper will be printed in full in the record and marked "Exhibit 1—Heidenheimer."

(The exhibit referred to was marked "Exhibit 1—Heidenheimer.")

Mr. HEIDENHEIMER. This is a receipt, a copy [handing paper to chairman].

The CHAIRMAN (after examining paper). This is a letter which appears to be written on the letterhead of Tucker, Kenyon & Macfarland, and reads as follows:

[Charles Cowles Tucker, reporter, Court of Appeals, D. C.; J. Miller Kenyon; Henry B. F. Macfarland, late Commissioner of the District of Columbia. Edward S. Bailey, Wm. B. Rayner, Clarence C. Evans. Law offices: Evans Building, 1420 New York Avenue. Telephones, Main 253 and 254.]

TUCKER, KENYON & MACFARLAND.
Washington, D. C., August 22, 1911.

Mr. E. HEIDENHEIMER,
No. 1236 Pennsylvania Avenue, Washington, D. C.

DEAR SIR: We beg to acknowledge, with thanks, receipt of your favor of the 21st instant inclosing check for $250.

Yours, truly TUCKER, KENYON & MACFARLAND.

MM.

This will be marked "Exhibit No. 2—Heidenheimer."

(The exhibit referred to was marked "Exhibit No. 2—Heidenheimer.")

Mr. WILLIS. From these papers which you have filed with the committee, Mr. Heidenheimer, are you now able to say whether this $250 was included in the $700 which you spoke of yesterday, or not?

Mr. HEIDENHEIMER. It is down below. I told you I did not know yesterday how much——

Mr. WILLIS (interposing). The question yesterday was whether the $250 was included in the $700. You were not certain about it. Having refreshed your memory from an examination of these papers, are you now able to state whether the $250 was included in the $700?

Mr. HEIDENHEIMER. I did not understand your question.

Mr. WILLIS. Was the $250 included in the $700, or was it in addition to the $700?

Mr. HEIDENHEIMER. Only $100 of that would be pro rata share, you know.

Mr. WILLIS. The $250, as I understand it, was not included in the original item of $700, as appears from the statement.

Mr. HEIDENHEIMER. I say this is the total amount that was expended altogether.

The CHAIRMAN. Have you any other paper bearing upon this matter, Mr. Heidenheimer?

Mr. HEIDENHEIMER. Mr. Horning gave me a copy of that [handing paper to the chairman].

The CHAIRMAN (after examining paper). This paper reads:

FEBRUARY 3, 1913.

Received of George D. Horning one hundred dollars ($100) for opinion on bill.

C. C. TUCKER.

How did that receipt happen to be in your possession?

Mr. HEIDENHEIMER. The way this happened was that Horning would come to me and get money, and then when the settlement would come up, they would give me their checks, Burnstine and Horning. Do you understand me? That will be proven later by those checks. That will be proven by the checks, which they will

have to produce, and Horning will have to show where he gave me $718.80, and Burnstine will have to show where he gave me $359.40.

The CHAIRMAN. So he paid this and turned the receipt over to you?

Mr. HEIDENHEIMER. Yes; I gave him the money for it.

The CHAIRMAN. This will be marked "Exhibit No. 3—Heidenheimer."

(The paper referred to was marked "Exhibit No. 3—Heidenheimer.")

The CHAIRMAN. And your next paper?

Mr. HEIDENHEIMER. These are printed bills. These are not receipted. I must have paid these on statements. They were paid [handing papers to the chairman].

The CHAIRMAN (after examining papers). This is a printing bill under date of February 1, 1912. [Reading:]

Folio 858. FEBRUARY 1, 1912.

E. Heidenheimer, 1236 Pa., in account with Sudwarth Printing Company, printers, publishers, engravers, 510 Twelfth Street, Washington.

Acc't rendered:

Jan. 13.	500 brief No. 1	10.50
23.	50 brief & cover	21.25
		$31.75

Received payment, with thanks, Feb. 8, 1912.

SUDWARTH PRINTING CO.,
By B.

This will be marked "Exhibit 4—Heidenheimer."

(The paper referred to was marked "Exhibit 4—Heidenheimer.")

Mr. CLINE. Do you know how you distributed the 500 copies of the brief? Do you know what you did with them?

Mr. HEIDENHEIMER. They were mailed.

Mr. CLINE. To whom?

Mr. HEIDENHEIMER. Different Members of Congress. I think they were. It is all on those statements there.

Mr. CLINE. The statement says 500 copies. I was inquiring what you did with them.

Mr. HEIDENHEIMER. I expect some were mailed and some brought up to different members of the committee and other different people.

The CHAIRMAN. This next seems to be a bill rendered to Mr. Isaac Heidenheimer by The Letter Shop, under date of February 13, 1912, and reads as follows:

[Rooms 209–210, Southern Building, Fifteenth and H Streets, Washington, D. C. Telephone, Main 2210. Founded, 1907. Terms, net cash.]

FEBRUARY 13, 1912.

Mr. Isaac Heidenheimer to The Letter Shop, Dr.

(Memo.) 1912.		
Feb. 10th.	To 50 letters, process	$3.75
	33 envelopes, addressed	.50
	33 envelopes, cost	.25
	150 sheets of paper, cost	.50
	33 signatures	.25
	33 letters folded and enclosed	.30
	33 envelopes sealed and stamped	.20
	33 stamps, at 2c	.66
		6.41

This will be marked "Exhibit No. 5—Heidenheimer."

(The paper referred to was marked "Exhibit No. 5—Heidenheimer.")

The CHAIRMAN. The next is a statement by the same company to Mr. Isaac Heidenheimer, under date of February 23, 1912, giving an itemized statement, and it will be inserted in the record in full. It totals $4.88. It will be marked "Exhibit No. 6—Heidenheimer."

(The paper referred to was marked "Exhibit No. 6—Heidenheimer," and is as follows:)

[Rooms 209–210 Southern Building, Fifteenth and H Streets, Washington, D. C. Telephone, Main 2210. Founded, 1907. Terms, net cash.]

FEBRUARY 23, 1910.

Mr. Isaac Heidenheimer to The Letter Shop, Dr.

(Memo.)			
1912.			
Feb. 15th.	To	25 letters, process (3 pp.)	$3.25
		14 letters, filled in	.25
		14 envelopes, addressed	.25
		14 written signatures	.10
		14 folded, enclosed, sealed, and stamped	.40
		14 stamps, at 2c	.28
		14 large envelopes, cost	.10
		75 sheets of paper, cost	.25
			4.88

The CHAIRMAN. The next is dated January 31, 1912, and is a statement by the same house to Mr. Heidenheimer. That is a little bit out of the chronological order. This totals $24.82. It will be marked "Exhibit No. 7—Heidenheimer," and will be printed in full in the record.

(The paper referred to was marked "Exhibit No. 7—Heidenheimer," and is as follows:)

[Rooms 209–210 Southern Building, Fifteenth and H Streets, Washington, D. C. Telephone, Main 2210. Founded, 1907. Terms, net cash.]

JANUARY 31, 1912.

Mr. Isaac Heidenheimer to The Letter Shop, Dr.

1912.			
Jan. 16.	To	500 letters, process	$3.00
		406 letters, filled in	2.00
		406 envelopes, addressed	1.50
		2,000 signatures (4)	1.00
		Signature cut	3.50
		Folding, enclosing, sealing, stamping	1.25
		500 sheets of paper	.70
		406 envelopes	.50
		406 stamps, at 2c	8.12
20.		25 letters, 3 pp., process	3.00
		75 sheets of paper	.25
			24.82

Received payment, 2.3.12.

THE LETTER SHOP,
By R. W. COX.

Thank you.

The CHAIRMAN. Those are all the papers you have on this matter, Mr. Heidenheimer?

Mr. HEIDENHEIMER. Yes, sir; except some checks.

The CHAIRMAN. You have some checks?

Mr. HEIDENHEIMER. I believe two checks were mentioned. I went through my check book, and I found there was more than that.

The CHAIRMAN. So the final settlement made between you gentlemen was on February 18, 1913?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. You made up this statement contained in Exhibit No. 1?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. You brought into that all the past payments?

Mr. HEIDENHEIMER. Every cent that was spent.

The CHAIRMAN. The different amounts, the proportion due by each one, were all in that final settlement?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Since yesterday, in studying over the matter of the fee paid Mr. Davis, have you been able to think of anything further about that, or have you any further information from any source as to what that amount was? You stated yesterday you thought it was about $1,500.

Mr. HEIDENHEIMER. I did not get any exact information. There is some controversy about it.

The CHAIRMAN. What is the best information you now have upon that matter?

Mr. HEIDENHEIMER. The best information I have is that he got $1,500. I do not know what he got. I did not pay him.

The CHAIRMAN. Who is the controversy about it between?

Mr. HEIDENHEIMER. He got some money before, and it seems, and I do not know whether it is perfectly clear what he got. He had some dealings with Mr. Horning, and it is not perfectly clear what we paid him. I was under the impression it was $1,500.

The CHAIRMAN. Have you talked with Mr. Davis since yesterday?

Mr. HEIDENHEIMER. Not exactly about the fee. I talked to him this morning.

The CHAIRMAN. You talked to him this morning about the matter?

Mr. HEIDENHEIMER. About matters in general.

The CHAIRMAN. About matters in general, and did not talk to him about this fee?

Mr. HEIDENHEIMER. I spoke to him about the fee, if he remembered what he got, and he thinks it was either $1,500 or $2,000. He would have to tell you that. I did not pay him. I did not have any dealings about the fee.

The CHAIRMAN. You state it seems he did something else for Mr. Horning besides. As I understand it, this fee which we have been talking about, which you say was about $1,500, was for what he did after the bill had passed the House and the Senate and was in the hands of the President?

Mr. HEIDENHEIMER. That is my impression, but I will not be sure. I do not know exactly when he started in. That was my impression.

The CHAIRMAN. You said a little while ago that it seemed he did something else.

Mr. HEIDENHEIMER. I mean for Mr. Horning. He runs around sometimes to see Mr. Horning and consults him, and has a running account.

The CHAIRMAN. You would not be interested in anything he did for Mr. Horning in addition to what he did for this bill?

Mr. HEIDENHEIMER. That is what there was included in what Mr. Horning paid him. This is the money I was charged with that he paid.

The CHAIRMAN. Is that a copy of this statement [indicating]?

Mr. HEIDENHEIMER. I copied it off this morning.

The CHAIRMAN. This shows what you paid out, but it does not show why it was paid, except in this particular case.

Mr. HEIDENHEIMER. It shows what we paid——

The CHAIRMAN (interposing). It showed what you paid.

Mr. HEIDENHEIMER. And some money from Mr. Horning.

The CHAIRMAN. Have you stated fully all you know about the payments made by you three gentlemen?

Mr. HEIDENHEIMER. The amount expended?

The CHAIRMAN. The manner in which it was expended; the purpose for which this fund of $3,734.36 was expended. Can you give us any further information?

Mr. HEIDENHEIMER. My best knowledge is it was expended in hiring lawyers to appear before Congressmen and present arguments appertaining to the exclusion of the pawnbrokers from the bill.

The CHAIRMAN. You employed Tucker, Kenyon & Macfarland, and they got $250, and then later they got another $100, and that is included, and then these printing bills, amounting to $67.86, and Mr. Davis then received $1,500, or at most, his recollection is, it was $2,000, you think?

Mr. HEIDENHEIMER. He will have to answer that.

The CHAIRMAN. I understand you do not know, and I am not trying to pin you down to anything you do not know. That would aggregate $1,917.80 and would leave $1,816.50. Can you give us any idea at all of what became of that $1,816.50?

Mr. HEIDENHEIMER. I did not pay any of that out. Mr. Horning expended that.

The CHAIRMAN. You paid your part of it?

Mr. HEIDENHEIMER. Yes, sir. While you are on the question, on yesterday I was asked—I do not remember how the question was asked—if I engaged any other lawyers, if I talked with any other lawyers. In thinking it over I do know of two men who were employed by Mr. Horning, but I do not know what they got. One was Mr. Schulteis and another a gentleman named Sullivan. I do not remember his first name. I only met him once.

The CHAIRMAN. What did they do?

Mr. HEIDENHEIMER. They were supposed to appear before Congressmen and present the arguments against the bill.

The CHAIRMAN. Were they supposed to call upon the Congressmen personally in their offices or wherever they could find them?

Mr. HEIDENHEIMER. That was my impression of it.

The CHAIRMAN. Not to appear before committees?

Mr. HEIDENHEIMER. I suppose to appear before committees, too. I did not handle any of it.

The CHAIRMAN. You do not know how much they received?

Mr. HEIDENHEIMER. No, sir; I do not know how much they received.

The CHAIRMAN. Do you know whom they called on?

Mr. HEIDENHEIMER. No. Mr. Horning attended to all that.

The CHAIRMAN. You never talked to them about it at all?

Mr. HEIDENHEIMER. Mr. Schulteis came in one day and talked a little like anybody in the store, and I told him he was to see Horning, and he went to see Horning and went away after that, and I do not suppose I have seen him in five or six months.

The CHAIRMAN. Do you know how much Mr. Schulteis was paid?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. What were the names of these two gentlemen that were to call upon Congressmen and argue with them?

Mr. HEIDENHEIMER. Mr. Sullivan and Mr. Schulteis.

Mr. STAFFORD. Can you give us their first names or initials?

Mr. HEIDENHEIMER. I do not remember that.

The CHAIRMAN. Did you ever talk with Mr. Sullivan about it?

Mr. HEIDENHEIMER. I saw Mr. Sullivan after; just saw him once after the bill had been voted on.

The CHAIRMAN. After it had been voted on?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Did you talk about this matter after it had been voted on in the House or in the Senate, or after the conference?

Mr. HEIDENHEIMER. After the entire thing was through.

The CHAIRMAN. After it had passed finally?

Mr. HEIDENHEIMER. That was the only time I had seen him.

The CHAIRMAN. And before the President had signed it?

Mr. HEIDENHEIMER. I think so. I won't be positive about that.

The CHAIRMAN. Was that conversation about the bill?

Mr. HEIDENHEIMER. As I remember it, there was some controversy over the fee.

The CHAIRMAN. Over his fee?

Mr. HEIDENHEIMER. Yes; that Mr. Horning paid him.

The CHAIRMAN. How much was it that Mr. Horning paid him?

Mr. HEIDENHEIMER. I do not remember exactly.

The CHAIRMAN. Do you remember about how much?

Mr. HEIDENHEIMER. I think it was somewhere around $200, but I think they had a talk, and I think he took a little less after that. I am not positive. That is my impression.

The CHAIRMAN. You think he took a little less?

Mr. HEIDENHEIMER. Yes, sir; somewhere about $150 or $175.

The CHAIRMAN. What do you know about the other gentleman's fee?

Mr. HEIDENHEIMER. I do not know how much he got. I sent him to Horning and he put him to work.

The CHAIRMAN. Have you any idea how much he got?

Mr. HEIDENHEIMER. Something like, I think, $200 or $300.

The CHAIRMAN. That would account for $400 or $500 more of this $3,734?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Now, what about the remainder of it?

Mr. HEIDENHEIMER. I do not know about any of the remainder. I do not know a thing about the remainder.

The CHAIRMAN. Were those all the attorneys employed?

Mr. HEIDENHEIMER. I do not know. That is all I know about it. I was asked that yesterday, and I went home and thought it over, and I could not think of this fellow's name, but it came to me.

The CHAIRMAN. You testified yesterday very positively, as I remember it, that Tucker, Kenyon & Macfarland, and Davis were the only attorneys employed.

Mr. HEIDENHEIMER. By me. I did not employ these other men.

The CHAIRMAN. You did not employ them, but they were employed; you knew they were employed?

Mr. HEIDENHEIMER. Employed by Horning.

The CHAIRMAN. You knew they were employed?

Mr. HEIDENHEIMER. No; I did not at that time.

The CHAIRMAN. You did not know that?

Mr. HEIDENHEIMER. Not until afterwards. I did not know whether he had them a week.

The CHAIRMAN. Do you know whether anybody else was employed by Mr. Burnstine in connection with this legislation in any way at any time? Do you know whether anybody else was employed by Mr. Horning?

Mr. HEIDENHEIMER. None that I can think of.

The CHAIRMAN. Are you prepared to say there were no others?

Mr. HEIDENHEIMER. Horning might have employed others, but I do not know who he employed.

The CHAIRMAN. I am asking you if you know whether they employed others?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Were there any others employed by you?

Mr. HEIDENHEIMER. No, sir; I did not employ anybody but Tucker, Kenyon & Macfarland, and we employed them together.

The CHAIRMAN. Mr. Schulteis is an attorney, is he not?

Mr. HEIDENHEIMER. Yes.

The CHAIRMAN. And Mr. Sullivan is also an attorney?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Mr. Heidenheimer, have you given this committee all the information you have about the expenditure of this money?

Mr. HEIDENHEIMER. About the expenditures; yes, sir.

The CHAIRMAN. All that you know of it?

Mr. HEIDENHEIMER. All that I know; yes, sir.

The CHAIRMAN. Have you talked with Mr. Horning since yesterday?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. About any of these expenditures?

Mr. HEIDENHEIMER. Yes, sir; we had a talk about the expenditures.

The CHAIRMAN. When, last night?

Mr. HEIDENHEIMER. Last night and this morning, and I tried to get—I wanted to straighten this thing out, and wanted to see if he could find that check, but we did not have time to get it or ask Burnstine.

The CHAIRMAN. Did you ask him what he did with this difference between the amount of money that you knew was being expended and the amount raised, as developed by your testimony yesterday?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. You did not inquire of him about it last evening?

Mr. HEIDENHEIMER. I told him he would have to be prepared to explain it.

The CHAIRMAN. Did you not ask him what he did with it?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. He did not make any statement to you about what he did with it?

Mr. HEIDENHEIMER. We did not talk about that.

The CHAIRMAN. What else did you talk about in connection with this matter?

Mr. HEIDENHEIMER. We talked in general.

The CHAIRMAN. I know, in general; but was not there anything said about what was done with this $1,500 or $2,000 that you were unable to account for?

Mr. HEIDENHEIMER. He will have to account for it. I do not know how it went.

The CHAIRMAN. I understand; but after you were quizzed as closely about that matter as you were yesterday afternoon, did you not have curiosity enough to ask him what he did with that amount of money?

Mr. HEIDENHEIMER. No, sir. I simply know he sent it. I did not ask him what he was doing with it, or anything else.

The CHAIRMAN. He did not volunteer to tell you?

Mr. HEIDENHEIMER. He was not feeling very well.

The CHAIRMAN. He was not feeling very well, you say?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did you talk with him personally, or over the telephone?

Mr. HEIDENHEIMER. Personally.

The CHAIRMAN. Go to his house?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. How long was this conference which you and Mr. Horning had?

Mr. HEIDENHEIMER. About half an hour.

The CHAIRMAN. I would be glad to know what the substance of that conference was, if you did not talk about this surplus money. Did you inquire whether any more than this had been raised than the amount reported here?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did you say anything about Mr. McDermott or any other Congressman in connection with this legislation?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did not discuss it?

Mr. HEIDENHEIMER. Mr. McDermott's name was not mentioned.

The CHAIRMAN. Mr. McMichael's name was mentioned?

Mr. HEIDENHEIMER. No, sir; we did not talk about him.

The CHAIRMAN. Have you talked with Mr. Burnstine since yesterday?

Mr. HEIDENHEIMER. He was with us last night.

The CHAIRMAN. All three of you were there together?

Mr. HEIDENHEIMER. Yes, sir. We might have talked about the visits to Mr. McDermott's room in this way. I could not remember

whether Burnstine was with me. I said, "Were you with me when we went there and all of the room was covered with campaign literature?" He said, "I believe I was."

The CHAIRMAN. Was he with you any other time, Mr. Burnstine?

Mr. HEIDENHEIMER. I could not remember. We were up here a couple of times, and I think——

The CHAIRMAN (interposing). You were at the Capitol several times, you say?

Mr. HEIDENHEIMER. Yes, sir. I do not think I was there any other time. I do not remember whether Burnstine was with me any other times or not.

The CHAIRMAN. What other matters did you discuss there last night, Mr. Heidenheimer, at that conference?

Mr. HEIDENHEIMER. Just matters in general.

The CHAIRMAN. Did you discuss about what you were going to testify to this morning?

Mr. HEIDENHEIMER. No, sir. I was told I had to bring my books, and had to be prepared to substantiate what I said yesterday afternoon, and I had a big job on.

The CHAIRMAN. Did you tell them—Horning was not here when you testified yesterday afternoon?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Was Mr. Burnstine here?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did you tell Mr. Horning that the committee had quizzed you very closely about what became of something like $1,500 or $2,000 that you were unable to account for?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. What did he say about that?

Mr. HEIDENHEIMER. He says, "All right."

The CHAIRMAN. You told him he would have to explain that?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. He said "All right?" But he did not explain it to you?

Mr. HEIDENHEIMER. Mr. Horning is very hard of hearing.

The CHAIRMAN. He is very hard of hearing and was not feeling very well last night, and did not explain it to you, and you did not ask him about it?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. How soon did you see Horning last night after you testified here?

Mr. HEIDENHEIMER. I think it was about half-past six.

Mr. CLINE. As soon as you could get down from here?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. Did he come down to your place?

Mr. HEIDENHEIMER. He came down to the place.

Mr. CLINE. He came down to your place, you say?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. Did you then have Mr. Burnstine to come over?

Mr. HEIDENHEIMER. Burnstine went down with me from here.

Mr. CLINE. He remained at your place until Mr. Horning came over?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. And you all three had a conference?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. Last night?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. How long did that last?
Mr. HEIDENHEIMER. Half an hour.
Mr. CLINE. Did you tell Mr. Horning you had testified here in the afternoon that there was $2,000 you could not account for?
Mr. HEIDENHEIMER. I told him that I testified to what I spent and he had to account for the other.
Mr. CLINE. I asked you whether you told Mr. Horning that there was $2,000 of this amount you could not account for?
Mr. HEIDENHEIMER. I did not tell him that.
Mr. CLINE. That was a fact, was it not?
Mr. HEIDENHEIMER. I told him there was $3,700. This was spent, and I accounted for the $350 paid to Tucker, Kenyon & Macfarland.
Mr. CLINE. I will read to you a portion of your testimony of yesterday from page 1328 of the transcript. [Reading:]

Mr. WILLIS. And, so far as you know, the fee for that was $1,500?
Mr. HEIDENHEIMER. Yes, sir.
Mr. WILLIS. So that leaves about $2,000 unaccounted for?
Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. You could not account for the $2,000 yesterday, could you?
Mr. HEIDENHEIMER. Yes, sir. Do you mean the $2,000? Will you read that again?
Mr. CLINE. I say, you could not account for that $2,000—how it was expended—could you, in your examination yesterday?
Mr. HEIDENHEIMER. No, sir.
Mr. CLINE. And you told Mr. Horning that last night, did you not?
Mr. HEIDENHEIMER. No; I told Mr. Horning that I accounted for what I had actually paid out and said he would have to account for the rest.
Mr. CLINE. Did you tell him that there was $2,000 you could not account for yesterday?
Mr. HEIDENHEIMER. I do not remember.
Mr. CLINE. You knew that you would come here on the stand again this morning and that this examination would proceed along this line, did you not?
Mr. HEIDENHEIMER. You asked me if I had seen him, and I am telling you the truth, that I did see him.
Mr. CLINE. Yes; but I want to find out something about that conference between you as to this $2,000 that you could not explain here yesterday.
Mr. HEIDENHEIMER. I could not explain it yesterday?
Mr. CLINE. Did you not ask him about it last night?
Mr. HEIDENHEIMER. I just told him about it.
Mr. CLINE. Didn't you want to fortify yourself for your examination here by consulting Mr. Horning, so that you could testify here this morning?
Mr. HEIDENHEIMER. No, sir. I did not say anything about that—what I could testify to.
Mr. CLINE. You did not ask him anything about it?
Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. And you do not know now what became of that $2,000?

Mr. HEIDENHEIMER. No; except that he said it was paid out—expended by him.

Mr. CLINE. You do not know whether it was paid out?

Mr. HEIDENHEIMER. He said it was.

Mr. CLINE. But, so far as you are concerned, you do not know whether it was paid out or not?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. What is the reason that your memory is so defective on that proposition?

Mr. HEIDENHEIMER. My memory is not defective on the proposition, but I am explaining to you——

Mr. CLINE (interposing). Can you understand what I am trying to get from you: Whether you can account for this $2,000 fund that you could not account for yesterday here?

Mr. HEIDENHEIMER. I could not account for any more to-day than I did yesterday, except that Mr. Horning disbursed it.

Mr. CLINE. Is it not a little singular that you three gentlemen got together and settled up $1,800 or $1,900 worth of accounts and you did not inquire of Mr. Horning as to the money he had paid out?

Mr. HEIDENHEIMER. I did not. I left it to him.

Mr. CLINE. I say you left it to him. I say, is it not singular that you did not find out what he did with the money?

Mr. HEIDENHEIMER. I knew he was expending it to send lawyers up here for the hearings.

Mr. CLINE. And there was only about $1,800 or $1,900 that either you or Mr. Burnstine can account for out of the $3,700; is that not true?

Mr. HEIDENHEIMER. I do not know what Mr Burnstine's testimony was. I know what mine was.

Mr. CLINE. You knew yesterday that you had employed these other attorneys that you speak of this morning, did you not?

Mr. HEIDENHEIMER. But I did not think of all.

Mr. CLINE. You did not think of all the attorneys you employed in a matter as vital to your interests as it was for you to defeat this loan-shark bill; you did not think enough of the matter to know the men who were employed to protect your interests? You did not know who they were?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. And your recollection was only refreshed by talking to Mr. Horning last night?

Mr. HEIDENHEIMER. No; only when I went home and came to think it over.

Mr. CLINE. Only when you came to think these men over?

Mr. HEIDENHEIMER. I did not employ these men.

Mr. CLINE. I know you did not employ them; but you knew they were employed, did you not; and you knew what they were to do?

Mr. HEIDENHEIMER. I did not exactly know what Mr. Sullivan was to do.

Mr. CLINE. When did you find out what he was to do—when you talked with Mr. Horning last night?

Mr. HEIDENHEIMER. I forgot Mr. Sullivan's name, and I knew he told me this fellow was a lawyer.

Mr. CLINE. You knew he was a lawyer, did you not?
Mr. HEIDENHEIMER. Yes; I knew he was a lawyer.
Mr. CLINE. You knew that both of them were lawyers?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. And you knew yesterday that they were to have been employed to consult Congressmen to see how they stood on the loan shark bill?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. Why did you not tell the committee that yesterday?
Mr. HEIDENHEIMER. I did not remember it. I corrected myself here this morning.
The CHAIRMAN. Did Mr. Horning tell you last night how much he paid Mr. Sullivan and Mr. Schulteis?
Mr. HEIDENHEIMER. He thought it was $200.
The CHAIRMAN. He thought it was $200 each?
Mr. HEIDENHEIMER. I do not know what Mr. Schulteis got. He thought Mr. Sullivan got $200.
The CHAIRMAN. Did he say what he thought Mr. Schulteis got?
Mr. HEIDENHEIMER. Somewhere around there—$200 or $300.
The CHAIRMAN. $200 or $300?
Mr. HEIDENHEIMER. Mr. Horning was not in very good shape last night and could not talk very well.
The CHAIRMAN. Did he speak of anyone else being employed last night?
(No answer.)
The CHAIRMAN. Did he speak of anyone else being employed?
Mr. HEIDENHEIMER. I am trying to think of the name. He mentioned a man's name; I think the name was Hart.
The CHAIRMAN. Hoyt?
Mr. HEIDENHEIMER. No; Hart.
The CHAIRMAN. Hart. That is another man that he spoke of being employed?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Is he a lawyer?
Mr. HEIDENHEIMER. I think he is.
The CHAIRMAN. What did he pay him?
Mr. HEIDENHEIMER. I do not remember.
The CHAIRMAN. What did he say he paid him?
Mr. HEIDENHEIMER. I do not think he made any statement about it. I do not know whether he employed him or whether Mr. Davis employed him.
The CHAIRMAN. You do not know whether he employed him or whether Mr. Davis employed him? You do not know whether the fee paid him was in addition to that received by Mr. Davis or whether it came out of Mr. Davis's fee? You do not know anything about that?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Well, did he speak about anybody else being employed?
Mr. HEIDENHEIMER. Not that I remember.
The CHAIRMAN. Did he speak of any other expenditures except the printing bill, and the attorneys' fees, and the postage for mailing the letters?

Mr. HEIDENHEIMER. Not that I remember.

The CHAIRMAN. Did he tell you anything about making a trip to New York at any time on this business?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. And expending money there on that trip?

Mr. HEIDENHEIMER. I do not remember.

The CHAIRMAN. Do you know as a fact whether he did make any trip to New York on this business?

Mr. HEIDENHEIMER. Mr. Horning goes to New York every two weeks or so.

The CHAIRMAN. I am talking about a trip concerning this particular matter?

Mr. HEIDENHEIMER. No, sir; I do not know.

The CHAIRMAN. You do not know whether he made a trip there for this particular purpose, to take up this legislation?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did you ever hear of the name of John D. McDermott being mentioned in connection with this legislation in any way, not Representative McDermott, but John D. McDermott?

Mr. HEIDENHEIMER. I heard it here.

The CHAIRMAN. You never heard it until you heard it here?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. You never heard it while the bill was pending, at any time?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Now, you are certain, are you, that Mr. Horning did not speak of employing anyone else except the men you have mentioned?

Mr. HEIDENHEIMER. I can not remember anyone.

The CHAIRMAN. You can not remember anyone?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Can you not remember whether he spoke of employing anyone else, whether he gave the name or not? Did he or did he not, last night, in that conversation speak of employing anyone else?

Mr. HEIDENHEIMER. Not to my knowledge.

The CHAIRMAN. Well, you were there; I mean while you were there and heard?

Mr. HEIDENHEIMER. Not that I remember.

The CHAIRMAN. Well, you would likely remember that, would you not, if he had spoken of employing anybody else?

Mr. HEIDENHEIMER. I think I would.

The CHAIRMAN. Did you not all work around there for some time trying to account for this $1,500, or $2,000, trying to account for that; did you not talk of that and try to see what had become of that?

Mr. HEIDENHEIMER. He did; but I did not.

The CHAIRMAN. He did, but you did not? Now, what did he say had become of that?

Mr. HEIDENHEIMER. He did not say what had become of it.

The CHAIRMAN. Did he say how much he paid to Mr. Hart?

Mr. HEIDENHEIMER. I can not remember that.

The CHAIRMAN. Can you remember whether he mentioned any amount at all—without asking you what the amount was?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Without mentioning what the amount was, you do not remember whether he mentioned any amount at all?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. And you do not think he mentioned anybody else?

Mr. HEIDENHEIMER. Not that I remember.

The CHAIRMAN. But you say he did discuss the question of what was done with this other money?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. He did discuss that. Now, just what did he say about that?

Mr. HEIDENHEIMER. He was talking in general—different——

The CHAIRMAN (interposing). What did he say?

Mr. HEIDENHEIMER. I do not remember exactly what he said.

The CHAIRMAN. Just give us the substance of it, as best you remember.

Mr. HEIDENHEIMER. He was trying to collect his memory together.

The CHAIRMAN. That is not what he said, that he was trying to collect his memory together, is it?

Mr. HEIDENHEIMER. We did not have much of a talk. Mr. Horning is pretty deaf and is a very hard talker.

The CHAIRMAN. Well, you say you did have a talk and he did discuss the question of what became of this money—anywhere from $1,500 to $2,000—that has not otherwise been accounted for as yet. You say he did discuss that to some extent. Now, what I am asking you is, What did he say about that?

Mr. HEIDENHEIMER. I do not remember that conversation. I would not like——

The CHAIRMAN (interposing). You say you remember that he did it, all right, do you not?

Mr. HEIDENHEIMER. I am not in a position to state, because I do not remember.

The CHAIRMAN. Mr. Heidenheimer, you just now swore that he had made that statement; that he made the statement about that; it has not been three minutes—not two minutes—since you swore that he discussed there in your presence last night the matter of what was done with that $2,000, or thereabouts, that had not been accounted for in your testimony. Now, it has not been two minutes since you said he discussed that with you last night.

Mr. HEIDENHEIMER. I do not remember what he said. I have told you everything that I remembered.

The CHAIRMAN. Did he speak of any traveling expenses of any kind paid at any time?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. You say you told him it was up to him to explain that, did you?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Did you make any question with him about that, did you raise any complaint with him about that? Did you intimate to him that, in view of the fact that here was only about $1,900 or $2,000, out of nearly $4,000 accounted for, you would like, yourself, to know what became of that?

Mr. HEIDENHEIMER. No; I told him I had accounted for mine, and I told him he would have to account for the rest.

The CHAIRMAN. Well, you accounted——

Mr. HEIDENHEIMER (interposing). Just what I paid out.

The CHAIRMAN. You accounted for all that you paid out?

Mr. HEIDENHEIMER. That is all.

The CHAIRMAN. And you also accounted for something additional to what you paid out; you did not pay the $1,500 fee to Mr. Davis by yourself, did you?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. That was paid by all three of you?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. On the basis of 40 per cent and 40 per cent and 20 per cent?

Mr. HEIDENHEIMER. I do not know how that was calculated. Mr. Horning attended to that and he settled it.

The CHAIRMAN. Well, the total expense, as I understand, the total amount of three thousand seven hundred and some odd dollars, which included the fee of Mr. Davis, and which included the fee of Tucker, Kenyon & Macfarland, was all paid on the basis of 40 per cent and 40 per cent and 20 per cent?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. That is correct, is it not?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Now, did you pay out anything personally, in addition to what you paid out in this—I do not know what you would call it perhaps, "jack pot"?

Mr. HEIDENHEIMER. I do not know what you would want to call it.

Mr. NOLAN. It is not a "jack pot," Mr. Chairman.

The CHAIRMAN. Well, I am not familiar with the game; I have only heard the expression.

Mr. HEIDENHEIMER. Will you repeat the question?

The CHAIRMAN. Did you pay out anything additional to what was paid out by you three gentlemen?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. This $3,734.36 represents all the expenditures made by the pawnbrokers, or by you three gentlemen, on this legislation, does it?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Absolutely all?

Mr. HEIDENHEIMER. I do not know about anybody else; but that is my bill.

The CHAIRMAN. Well, do you know of any other than that?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Well, will you state this, upon your oath, that 40 per cent of that is all that you paid?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Forty per cent of $3,734.46? That is all you paid?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. But you did pay that?

Mr. HEIDENHEIMER. How much did you say?

The CHAIRMAN. Forty per cent of $3,734.46; that is all that you paid?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Is that all that your firm paid?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. And you did pay that?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Now, included in the $3,734.46, there was the attorney's fee to Mr. Davis; there was also the attorney's fee to Tucker, Kenyon & Macfarland; there was the $100 attorney fee for the opinion which Tucker's firm rendered; there were the printing bills, which have been brought before the committee in evidence?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Making a total of something over $1,900 accounted for. Then, you say that Mr. Schulteis was employed, and that Mr. Horning stated to you last night that he got around $200 or $300?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. And that Mr. Sullivan was employed, and that he got about $200?
Mr. HEIDENHEIMER. He got it from Mr. Horning, you know.
The CHAIRMAN. How was that?
Mr. HEIDENHEIMER. Mr. Horning paid that out.
The CHAIRMAN. Yes; and Mr. Horning stated that to you last night, did he not?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. You never knew until last night what Mr. Schulties got?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. You never knew until last night what Mr. Sullivan got?
Mr. HEIDENHEIMER. I am not positive what Mr. Sullivan got yet.
The CHAIRMAN. You are not positive yet?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. That would make $400 additional. Then, he told you about the employment of Mr. Hart. He did not tell you what he paid to Mr. Hart, did he?
Mr. HEIDENHEIMER. He might have stated, but I did not pay any attention to it.
The CHAIRMAN. Why did you not pay any attention to what he told you about that?
Mr. HEIDENHEIMER. Well, I did not pay it.
The CHAIRMAN. Well, that was paid out of this fund, was it not?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. You said you paid 40 per cent of it, did you not?
Mr. HEIDENHEIMER. Yes, sir. The money was paid and there was no way of getting it back. I simply took Mr. Horning's word for it.
The CHAIRMAN. I understand there is no way of getting it back, but—what is the full name of Mr. Hart?
Mr. HEIDENHEIMER. I do not know.
The CHAIRMAN. Is he an attorney here in this city?
Mr. HEIDENHEIMER. I do not know.
The CHAIRMAN. You do not know what he is?
Mr. HEIDENHEIMER. I do not know; I never spoke to him.
The CHAIRMAN. But you are certain his name is Hart, are you?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Whom else did he speak of employing?

Mr. HEIDENHEIMER. That I can not remember.

The CHAIRMAN. Did he speak of employing anybody else, without giving their names?

Mr. HEIDENHEIMER. Not to my best knowledge. He may have and I do not remember. I was played out last night.

The CHAIRMAN. All right.

Mr. HEIDENHEIMER. I was tired; played out.

Mr. NOLAN. When did you prepare this statement [indicating paper in Mr. Nolan's hand]? Was it on February 18, 1913?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. It says: "Heidenheimer expended $305." What is that, Mr. Heidenheimer?

Mr. HEIDENHEIMER. That is, Tucker, Kenyon & Macfarland's $250.

Mr. NOLAN. $250?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. And there was another $100 paid to those people later on; is that right?

Mr. HEIDENHEIMER. Yes, sir; but Mr. Horning paid that in cash—and the printing.

Mr. NOLAN. That $305 added to what Mr. Horning expended ($1,492), made $1,797; is that right?

Mr. HEIDENHEIMER (examining paper). Yes, sir.

Mr. NOLAN. Is that right?

Mr. HEIDENHEIMER. Yes. You are reading this first item?

Mr. NOLAN. Yes; all right. Going down below the margin there—have you got a copy of this statement?

Mr. HEIDENHEIMER. No; I got a copy, but it was not made at the same time as that was.

Mr. NOLAN. Have you got a copy of it?

Mr. HEIDENHEIMER. I made this copy this morning.

Mr. NOLAN. Going down below that margin, it says: "Previous settlement $1,687.36. Tucker, Kenyon & Macfarland, $250 retainer. Amount expended as above, $1,797"—a total of $3,734.36. How was it that you were charging him the Tucker, Kenyon & Macfarland fee of $250 on two different occasions?

Mr. HEIDENHEIMER. How was it on two different occasions?

Mr. NOLAN. You are having Heidenheimer expending up there in the first line, $305, and it included the $250 fee paid Tucker, Kenyon & Macfarland. George Horning expended $1,492, a total of $1,797. Down below it says: "Amount expended as above, $1,797; Tucker, Kenyon & Macfarland, $250." How is it that you were charging that in there on two different occasions?

Mr. HEIDENHEIMER (examining paper). You are right; it is in there twice.

Mr. NOLAN. Will you explain that?

Mr. HEIDENHEIMER. I simply made an error there and charged it twice.

Mr. NOLAN. Who got the benefit of that charge?

Mr. HEIDENHEIMER (examining paper). That is what I am trying to figure.

Mr. NOLAN. Did you present a copy of this settlement to Mr. Horning and to Mr. Burnstine?

Mr. HEIDENHEIMER. Yes, sir; each got a copy at that time.

Mr. NOLAN. And do you mean to say that they both overlooked that $250 error?

Mr. HEIDENHEIMER. Yes, sir—no, that was not it—I forgot that [examining paper]. No; they did not pay that twice. You see, this down below is the sum total of the expenditures on the bill. You see, this is a summary. They did not pay no proportion of this bottom—you understand? You see that is the sum total of the total expenditures.

Mr. NOLAN. What memorandum did you use in compiling this, Mr. Heidenheimer?

Mr. HEIDENHEIMER. I had slips. From time to time Mr. Horning would come and get $100 or $200; and when it came to a settlement, I would give him a settlement and throw it in the waste basket. I kept what bills I had.

Mr. NOLAN. Who wrote that typewritten statement?

Mr. HEIDENHEIMER. I did.

Mr. NOLAN. You wrote it personally?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. How can you account for that, even though it is below the margin? You are only accounting above the margin for the first pro rata settlement, which amounted to $1,797. Down below the margin, you say: "Previous settlement, $1,587.36," and then you bring in the $250 retainer the second time and add the $1,797?

Mr. HEIDENHEIMER. Now, that shows—you told me yesterday that we spent money and did not keep an account of it. We had an argument here yesterday—or at least you questioned us keeping no records of what we would spend and what a thing cost.

Mr. NOLAN. Yes.

Mr. HEIDENHEIMER. Now, anybody that wanted to know what we spent on the bill, there it is.

Mr. NOLAN. That is it?

Mr. HEIDENHEIMER. Now, I can prove to you to-day that we kept no ledger accounts.

Mr. NOLAN. But just let me call this to your attention: Probably I can illustrate a little bit better [showing paper to witness]. How are you going to explain that double charge of $250, when it is included in that $1,797—a part of that $305?

Mr. HEIDENHEIMER (examining paper). I see now. You are right. But it ought to be $250 less expended.

Mr. NOLAN. Who was this statement prepared for, Mr. Heidenheimer?

Mr. HEIDENHEIMER. It was prepared by me for the settlement.

Mr. NOLAN. And did they accept it?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. And did they pay 40 per cent of $3,734.36 and 20 per cent of it, respectively?

Mr. HEIDENHEIMER. This statement is dated, you see, February 18, 1913, and this first settlement was made August 6, 1912, you see; understand? And we settled up February 18, 1913. Now, this should be off it, and they would be nothing out. You see, here is February 18, and this whole thing would be off.

Mr. NOLAN. What is this $1,587 settlement? What was included in that expense? You say that was the previous settlement; was that Mr. Davis's retainer?

Mr. HEIDENHEIMER. Mr. Davis's retainer came in there [indicating on paper in his hand].

Mr. NOLAN. Did it come in out of that $1,687 or out of that $1,797?

Mr. HEIDENHEIMER. Out of the $1,797.

Mr. NOLAN. Then Mr. Davis's fee and Mr. Tucker's were paid out of that $1,797; is that right?

Mr. HEIDENHEIMER (examining paper). I do not understand; I think they paid me twice.

Mr. NOLAN. Who paid you twice?

Mr. HEIDENHEIMER. Mr. Horning.

Mr. NOLAN. Was Mr. Davis's fee paid out of that first $1,797 or out of that $1,687?

Mr. HEIDENHEIMER. It must have been paid out of the last settlement.

Mr. NOLAN. Which is the last settlement?

Mr. HEIDENHEIMER. February 18, 1913.

Mr. NOLAN. Well, which is the first settlement here, the $1,797 or the $1,687?

Mr. HEIDENHEIMER. The $1,687.

Mr. NOLAN. That is the first settlement?

Mr. HEIDENHEIMER. Yes; that is the first settlement.

Mr. NOLAN. That was August 30, 1912?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. How do you account for that Tucker, Kenyon & Macfarland $250 retainer below the margin?

Mr. HEIDENHEIMER. I made an error in putting it there.

Mr. NOLAN. And Mr. Horning and Mr. Burnstine accepted that double entry of $250 and paid their proportion of it?

Mr. HEIDENHEIMER. Yes, sir; their checks will show it.

Mr. NOLAN. When you were here last Friday night, Mr. Heidenheimer, did you and Mr. Horning and Mr. Burnstine leave together?

Mr. HEIDENHEIMER. Last Friday night?

Mr. NOLAN. Yes; last Friday night.

Mr. HEIDENHEIMER. Was Mr. Horning here last Friday night?

Mr. NOLAN. How is that?

Mr. HEIDENHEIMER. Was Mr. Horning here last Friday night?

Mr. NOLAN. Yes; Mr. Horning and Mr. Burnstine.

Mr. HEIDENHEIMER. I say was Mr. Horning here last Friday night?

Mr. NOLAN. When you were subpœnaed.

Mr. HEIDENHEIMER. That was the day we got the subpœna?

Mr. NOLAN. How is that?

Mr. HEIDENHEIMER. You mean that was the day we got the subpœna?

Mr. NOLAN. Yes.

Mr. HEIDENHEIMER. We all three came here together.

Mr. NOLAN. But did you leave here together?

Mr. HEIDENHEIMER. No.

Mr. NOLAN. You left separately?

Mr. HEIDENHEIMER. Mr. Burnstine and I went out and waited on the corner, and Mr. Horning come out.

Mr. NOLAN. How is that?

Mr. HEIDENHEIMER. Mr. Burnstine and I waited on the corner for Mr. Horning to come out.

Mr. NOLAN. And where did you go then?

Mr. HEIDENHEIMER. I left them on the corner.

Mr. NOLAN. You did not stay with them? How long did you stay on the corner?

Mr. HEIDENHEIMER. We went over here, Mr. Burnstine and I, and had a drink.

Mr. NOLAN. How long did you stay with Mr. Horning?

Mr. HELDENHEIMER. When I came out?

Mr. NOLAN. Yes.

Mr. HEIDENHEIMER. We went up to the corner and left him there.

Mr. NOLAN. Did you have any conversation with him?

Mr. HEIDENHEIMER. Not then.

Mr. NOLAN. How soon afterwards did you get together and talk about the testimony here?

Mr. HEIDENHEIMER. I just could not remember.

Mr. NOLAN. Did you all get together and talk over your testimony?

Mr. HEIDENHEIMER. I do not think so; not until Mr. Burnstine was called.

Mr. NOLAN. Was it after Mr. Burnstine was called that you got together?

Mr. HEIDENHEIMER. We did not exactly get together; we read the testimony.

Mr. NOLAN. You read Mr. Burnstine's testimony?

Mr. HEIDENHEIMER. I read it; yes.

Mr. NOLAN. When did you first hear of this investigation, Mr. Heidenheimer?

Mr. HEIDENHEIMER. Saturday night.

Mr. NOLAN. When you were subpœnaed or by telephone?

Mr. HEIDENHEIMER. I was over in Alexandria, and when I came over the marshal was standing on the corner—the sergeant.

Mr. NOLAN. You did not get any telephonic information prior to that time?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLAN. That was the first you heard of it, when the subpœna was served on you?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. I would like to ask you, for my information, a little about this account. I understand that this is a copy of this original; is that true?

Mr. HEIDENHEIMER. I just made this account [indicating a paper in his hand.]

Mr. RUSSELL. You made that account from this [indicating a paper in his hand]?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. If I am not mistaken, you say that shows that this previous settlement was made in August, 1912?

Mr. HEIDENHEIMER. August 30.

Mr. RUSSELL. That date did not appear on this account.

Mr. HEIDENHEIMER. That is the account originally as I rendered it, and I did not want to alter that.

Mr. RUSSELL. Where did you get that date?
Mr. HEIDENHEIMER. From the check book.
Mr. RUSSELL. I would like for this account to show that the previous settlement was August 30, 1912. That is true, is it not?
Mr. HEIDENHEIMER. I had to get that from the check. I left it off there.
Mr. RUSSELL. It is true that this previous settlement you referred to of $1,687.36—that settlement was made August 30, 1912?
Mr. HEIDENHEIMER. I am pretty sure it was, but the checks will show it positively.
Mr. RUSSELL. Now, that much money had been expended at that time?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Now, I want to talk a little about that meeting again last night. What time was that meeting?
Mr. HEIDENHEIMER. It was about 1 o'clock.
Mr. RUSSELL. It was about 1 o'clock?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. Last night?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. One o'clock at night?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. It was that time that you got together?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. And where was that meeting?
Mr. HEIDENHEIMER. At Mr. Horning's house.
Mr. RUSSELL. At Mr. Horning's residence?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Who suggested holding that meeting?
Mr. HEIDENHEIMER. I did.
Mr. RUSSELL. You did?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. You went to see Mr. Horning and told him you desired to meet him?
Mr. HEIDENHEIMER. I went up there and rung the bell.
Mr. RUSSELL. You went up to his residence and rang the bell?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. Who went with you?
Mr. HEIDENHEIMER. Mr. Burnstine.
Mr. RUSSELL. Did you suggest to Mr. Burnstine to go there or did he suggest it to you?
Mr. HEIDENHEIMER. I suggested it to him.
Mr. RUSSELL. Where did you see him to suggest it?
Mr. HEIDENHEIMER. He left here with me and I asked him to go down and help me look up these checks.
Mr. RUSSELL. And he went with you to your place of business?
Mr. HEIDENHEIMER. Yes; we went there; and I did not get through, so I went to supper. When I got back down I telephoned to Mr. Burnstine to his house for him to come and assist me in looking through these checks.
Mr. RUSSELL. And he came?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. Did you suggest to him then that you wanted to go out and see Mr. Horning?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. Didn't you get through looking at your checks until 1 o'clock at night?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Did Mr. Burnstine stay there with you until you went to Mr. Horning's?

Mr. HEIDENHEIMER. I had him looking—you see, we had to look through every stub.

Mr. RUSSELL. Did you see Mr. Horning at all before you got to his residence?

Mr. HEIDENHEIMER. I do not know whether I did or not. I was tired out yesterday, and I do not know whether I seen him or not.

Mr. RUSSELL. Now, do you mean to say that you do not now remember whether you saw Mr. Horning before you went to his residence?

Mr. HEIDENHEIMER. He might have come past the place, but I am not sure?

Mr. RUSSELL. Did you speak to him?

Mr. HEIDENHEIMER. Last night?

Mr. RUSSELL. Yes; before you went to his residence?

Mr. HEIDENHEIMER. No; I do not think I saw him last night.

Mr. RUSSELL. When did you first notify him you were going out to his residence to see him?

Mr. HEIDENHEIMER. We called out there; I did not notify him.

Mr. RUSSELL. You did not notify him before you went?

Mr. HEIDENHEIMER. No.

Mr. RUSSELL. Are you certain about that?

Mr. HEIDENHEIMER. We telephoned up, and I think he was either out or in bed. We telephoned up and he was in bed. When we got through we went up there.

Mr. RUSSELL. What time did you telephone him?

Mr. HEIDENHEIMER. About 11 o'clock.

Mr. RUSSELL. About 11? Then you did notify him you were coming?

Mr. HEIDENHEIMER. He did not know. He did not know we were coming.

Mr. RUSSELL. What did you say on the telephone?

Mr. HEIDENHEIMER. We called up the house and asked if he was there, and they said he was in bed. That was all.

Mr. RUSSELL. You did not say you were coming up to see him?

Mr. HEIDENHEIMER. No.

Mr. RUSSELL. And you are sure you did not see him yesterday? Who answered the telephone?

Mr. HEIDENHEIMER. I do not know. Mr. Burnstine telephoned.

Mr. RUSSELL. You do not know whether it was a lady's voice or a gentleman's voice?

Mr. HEIDENHEIMER. No; I was looking for the checks while he telephoned.

Mr. RUSSELL. You did not say you were going up to his house?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. You did not ask the party you were telephoning to to tell him that you were coming up to the house?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. And you are positive you had not seen him after you testified here yesterday, until you went to his residence?

Mr. HEIDENHEIMER. I am pretty sure of it.

Mr. RUSSELL. You are pretty sure of it? I would like for you to be absolutely sure.

Mr. HEIDENHEIMER. I won't state that positively.

Mr. RUSSELL. You are not certain. You may have seen him at your business house?

Mr. HEIDENHEIMER. I may have seen him.

Mr. RUSSELL. You may have talked to him?

Mr. HEIDENHEIMER. I may have. I may have seen him.

Mr. RUSSELL. If you did talk to him what did you say?

Mr. HEIDENHEIMER. I would not have a chance to say much to him. I was looking through to get these things out.

Mr. RUSSELL. The little you did say, if you did see him—what was that?

Mr. HEIDENHEIMER. I don't remember the conversation——

Mr. RUSSELL. You do not remember the conversation?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Then you did have a short conversation?

Mr. HEIDENHEIMER. I might have said, "I was on the stand to-day."

Mr. RUSSELL. Then you did have a short conversation with Mr. Horning before you went to his house?

Mr. HEIDENHEIMER. I am not positive about it, because I was a little tired and worn out yesterday, and sometimes you are not as active as other times.

Mr. RUSSELL. And whatever conversation you did have was a very short conversation?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. Where was it?

Mr. HEIDENHEIMER. I guess he came there in the store.

Mr. RUSSELL. You guess he came to the store?

Mr. HEIDENHEIMER. He was in the store when I came; Mr. Burnstine was there with me.

Mr. RUSSELL. Mr. Burnstine was with you?

Mr. HEIDENHEIMER. I can find out; I can be sure of that in a minute by telephoning there.

Mr. RUSSELL. I understand. What time of the evening was it?

Mr. HEIDENHEIMER. I think he was in the store about half past 6.

Mr. RUSSELL. You think he was in the store about half past 6?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. Your memory is improving now a little, isn't it?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. You remember he was there about half past 6?

Mr. HEIDENHEIMER. I remember now, because we were closed——

Mr. RUSSELL. You told him you had been down here testifying about this business, and you told him, too, you would like to talk over the matter?

Mr. HEIDENHEIMER. No; I told him to read my testimony in the morning paper.

Mr. RUSSELL. Told him he would read your testimony?

Mr. HEIDENHEIMER. I told him he could.

Mr. RUSSELL. And told him, too, didn't you, you could not explain what went with all that money you raised?

Mr. HEIDENHEIMER. I told him I wanted to account for this money——

Mr. RUSSELL. You told him it was for him to explain?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. What was your object in going up to his house at 1 o'clock in the morning?

Mr. HEIDENHEIMER. I just wanted to see him.

Mr. RUSSELL. I wish you would tell the committee what you wanted to see him for?

Mr. HEIDENHEIMER. To talk over matters in general.

Mr. RUSSELL. Now, to be honest and frank, didn't you go up there to see him for the purpose of trying to ascertain what went with all that money?

Mr. HEIDENHEIMER. I do not have to explain what went with it, because I do not know.

Mr. RUSSELL. What did you want to see him for?

Mr. HEIDENHEIMER. Just to have a talk over general matters. I have explained that to you.

Mr. RUSSELL. You just wanted to talk over matters? You had no particular interest in it?

Mr. HEIDENHEIMER. We were interested.

Mr. RUSSELL. Didn't it occur to you that at 1 o'clock in the night you could afford to wait until the next morning?

Mr. HEIDENHEIMER. I would not have a chance this morning. I figured I had a lot of other places to go this morning.

Mr. RUSSELL. Why did you take Mr. Burnstine up there with you at 1 o'clock in the night?

Mr. HEIDENHEIMER. He lives up that way.

Mr. RUSSELL. That was on his road home?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. When you got there did he go on home or did he stay?

Mr. HEIDENHEIMER. He stopped there.

Mr. RUSSELL. Did you find Mr. Horning in bed?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. He was in bed?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. He got up and dressed?

Mr. HEIDENHEIMER. He put on a gown.

Mr. RUSSELL. And you had a talk?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. How long did you stay there?

Mr. HEIDENHEIMER. About half an hour; it might have been an hour.

Mr. RUSSELL. Where did you hold that conversation, in what room; in the parlor, the library——

Mr. HEIDENHEIMER. The library, I guess.

Mr. RUSSELL. Was there anybody else there except you three?

Mr. HEIDENHEIMER. Mrs. Horning.

Mr. RUSSELL. She came in, too? She was there when the conversation took place?

Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Anyone else?
Mr. HEIDENHEIMER. No, sir.
Mr. RUSSELL. Now, then, did you see Mr. Horning this morning?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. You saw him this morning. Where did you see him this morning?
Mr. HEIDENHEIMER. In Mr. Davis's office.
Mr. RUSSELL. Is that the Davis that you understood since was employed in this case?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. If I understood you correctly this morning, you said Mr. Davis was employed without your knowledge at the time, but you learned it afterwards?
Mr. HEIDENHEIMER. No. I say we all went up. Mr. Horning told me he had employed Mr. Davis, and we all went up there and consulted with him.
Mr. RUSSELL. At the time he was employed?
Mr. HEIDENHEIMER. When he first employed him—he employed him first, the day before.
Mr. RUSSELL. When was that? That was after the bill passed, if I remember?
Mr. HEIDENHEIMER. It might have been in conference. I am not sure when it was. Mr. Horning engaged him.
Mr. RUSSELL. It was after it passed the House, was it not?
Mr. HEIDENHEIMER. After it passed the House?
Mr. RUSSELL. Yes.
Mr. HEIDENHEIMER. I think so. Wait a minute. You mean before it went to conference?
Mr. RUSSELL. Yes; I mean it was after it passed the House and Senate both. You employed him to go to see the President, did you not?
Mr. HEIDENHEIMER. Yes—he might have been employed while it was in conference.
Mr. RUSSELL. His employment, if I understood you, was to go to see the President?
Mr. HEIDENHEIMER. That was part of his employment.
Mr. RUSSELL. That was what he was for. You did not need a lawyer to go to see the President until the bill passed both Houses.
Mr. HEIDENHEIMER. He might have been employed while the bill was in conference.
Mr. RUSSELL. He never did anything except to go to see the President, did he?
Mr. HEIDENHEIMER. He might have; I don't know.
Mr. RUSSELL. You don't know of his doing anything? But anyhow, what was the date you would fix that Mr. Davis was employed?
Mr. HEIDENHEIMER. I would not like to fix a date.
Mr. RUSSELL. It was in 1913, was it not? This year? You can be positive about that, can't you?
Mr. HEIDENHEIMER. It might have been.
Mr. RUSSELL. Aren't you certain?
Mr. HEIDENHEIMER. The bill was passed February 4, wasn't it?
Mr. RUSSELL. I do not remember; it was this year.

Mr. HEIDENHEIMER. It might have been a month before it was in conference, it might have been two weeks.

Mr. RUSSELL. You can be positive of this can you not, that he was either employed in 1913 or in the last month or two of 1912? You are certain that is true, are you not?

Mr. HEIDENHEIMER. To my best knowledge; yes, sir.

Mr. RUSSELL. You are certain he was employed long after this first settlement made by you in August, 1912? He was employed since that time?

The CHAIRMAN. Long after that time.

Mr. RUSSELL. Long after that time?

Mr. HEIDENHEIMER. According to my knowledge.

Mr. RUSSELL. And these other men you mentioned—Sullivan and Hart, and Schulteis—they were all employed since that time if they were employed at all, were they not?

Mr. HEIDENHEIMER. Not Mr. Schulteis; he was employed before.

Mr. RUSSELL. When was he employed?

Mr. HEIDENHEIMER. Some time previous.

Mr. RUSSELL. Previous to what?

Mr. HEIDENHEIMER. To this other employment.

Mr. RUSSELL. He was not employed previous to the settlement in August 1912, was he?

Mr. HEIDENHEIMER. He may have been.

Mr. RUSSELL. I understood you to state yesterday that up to the time this bill was passed in the House you did not know of employing anybody except this firm——

Mr. HEIDENHEIMER. I did not employ Mr. Schulteis.

Mr. RUSSELL. Yesterday you said you did not know of the employment of anyone except the Tucker firm and Mr. Davis?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Did you see anyone else since you testified yesterday about this thing?

Mr. HEIDENHEIMER. About which?

Mr. RUSSELL. About your testimony you gave yesterday.

Mr. HEIDENHEIMER. Several people; lots of people read it.

Mr. RUSSELL. Did you talk about this matter to them?

Mr. HEIDENHEIMER. I talked to Mr. Laskey, an attorney, this morning.

Mr. RUSSELL. You did not talk to Mr. McMichael, did you?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Did you talk to Mr. McDermott?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. You have not seen him since yesterday?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Did you talk to Mr. Tucker?

Mr. HEIDENHEIMER. Mr. Tucker is in Europe.

Mr. RUSSELL. Mr. Tucker is not here?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. You did go and talk to Mr. Davis?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. This morning?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Who else went with you?

Mr. HEIDENHEIMER. Mr. Horning and Mr. Burnstine.
Mr. RUSSELL. They both went with you?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. Now, if I understood you correctly, this morning you told the committee that Mr. Davis has been the attorney for Mr. Horning all the time?
Mr. HEIDENHEIMER. Not all the time; I do not know how long.
Mr. RUSSELL. He has been rendering other service for Mr. Davis?
Mr. HEIDENHEIMER. Mr. Horning?
Mr. RUSSELL. Mr. Davis has been rendering other service for Mr. Horning?
Mr. HEIDENHEIMER. I think he has been a client of his for 10 or 12 years.
Mr. RUSSELL. You think he has been an attorney for 10 or 15 years?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. Well, in your conversation with Mr. Davis this morning, could you agree how much was paid to him in this matter?
Mr. HEIDENHEIMER. I did not stay there long; I had to get out and arrange my things.
Mr. RUSSELL. You did not find out?
Mr. HEIDENHEIMER. No, sir.
Mr. RUSSELL. But you did say there was some dispute about it, I believe.
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. You could not agree on the amount he received?
Mr. HEIDENHEIMER. No.
Mr. RUSSELL. Did you take his receipt when he was paid, or do you know?
Mr. HEIDENHEIMER. No; I did not get any receipt from Mr. Davis.
Mr. RUSSELL. When did you take that receipt from Mr. Tucker, at the time you paid the money or since that time?
Mr. HEIDENHEIMER. Which receipt?
Mr. RUSSELL. The $250 you paid to Mr. Tucker.
Mr. HEIDENHEIMER. Oh, that was mailed to me; that shows it was by mail.
Mr. RUSSELL. That was written, then, and sent you at the time it bears date?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Well, what are the initials of Mr. Sullivan?
Mr. HEIDENHEIMER. I do not know.
Mr. RUSSELL. Is he living here in Washington?
Mr. HEIDENHEIMER. I think he is a lawyer; I think Mr. Davis can tell you who he is.
Mr. RUSSELL. If I understood you correctly, when the chairman was asking you questions, you said you did not know anything about Mr. Sullivan until he came into your office one time.
Mr. HEIDENHEIMER. Yes; Mr. Horning's office.
Mr. RUSSELL. And you were there?
Mr. HEIDENHEIMER. No; Mr. Horning telephoned to me.
Mr. RUSSELL. Telephoned to you to come there?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. When was that?

Mr. HEIDENHEIMER. That was after the bill passed the House, I think.

Mr. RUSSELL. Then, if he was was paid any money at all, he was paid after that settlement in 1912?

Mr. HEIDENHEIMER. Yes, sir. He was paid—he must have been paid in the February settlement.

Mr. RUSSELL. If paid at all, he was paid in this last settlement in February, 1913?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. You can say the same thing as to this other man—Schulteis—can you not?

Mr. HEIDENHEIMER. No.

Mr. RUSSELL. When was he employed?

Mr. HEIDENHEIMER. He was employed some time previous; I do not exactly remember.

Mr. RUSSELL. It was since August, 1912, wasn't it?

Mr. HEIDENHEIMER. Since August, when?

Mr. RUSSELL. Since August 30, 1912.

Mr. HEIDENHEIMER. He might have been employed before.

Mr. RUSSELL. You do not know a thing in the world that he ever did, do you?

Mr. HEIDENHEIMER. No.

Mr. RUSSELL. Not a thing in the world. If he ever said a word to anybody in behalf of that bill, you do not know it?

Mr. HEIDENHEIMER. Schulteis? No.

Mr. RUSSELL. If he ever did a thing on earth in connection with that, you do not know it?

Mr. HEIDENHEIMER. No.

Mr. RUSSELL. Nor did Sullivan, did he?

Mr. HEIDENHEIMER. I do not know what they did.

Mr. RUSSELL. And if Mr. Hart ever did a thing in the world, you do not know?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. And if a cent was ever paid him, you do not know?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. That is all.

Mr. STAFFORD. What did Mr. Schulteis say to you when he called at your place of business?

Mr. HEIDENHEIMER. He says he could go up, and he was acquainted with Members of Congress; he could talk to them and explain the pawnshop—that the pawnshop was necessary, and the bill was a little too drastic—on those lines, like you would naturally expect him to.

Mr. STAFFORD. He expressed himself as wishing to go and intercede with Representatives concerning this bill?

Mr. HEIDENHEIMER. Sir?

(At the request of Mr. Stafford the pending question was read by the stenographer.)

Mr. HEIDENHEIMER. To talk before committees if necessary.

Mr. STAFFORD. He represented that he knew Representatives——

Mr. HEIDENHEIMER. That he was acquainted around.

Mr. STAFFORD. That he was acquainted with them and he wished to represent you to try to defeat this bill?

Mr. HEIDENHEIMER. Not to defeat the bill.

Mr. STAFFORD. To defeat the provision relating to pawbrokers being included in the bill?

Mr. HEIDENHEIMER. Or to get it amended or something.

Mr. STAFFORD. Where did that conversation take place?

Mr. HEIDENHEIMER. In my store—in our store.

Mr. STAFFORD. You did not send for him?

Mr. HEIDENHEIMER. No.

Mr. STAFFORD. He went voluntarily?

Mr. HEIDENHEIMER. Yes.

Mr. STAFFORD. On his own initiative? Mr. Horning had not sent him to you?

Mr. HEIDENHEIMER. I do not think so.

Mr. STAFFORD. What did you say to him?

Mr. HEIDENHEIMER. I told him to go down to Mr. Horning.

Mr. STAFFORD. Do you recall now when that conversation—that meeting—took place?

Mr. HEIDENHEIMER. No.

Mr. STAFFORD. Make your statements so the stenographer will hear them. Do you recall what you said to Mr. Schulteis?

Mr. HEIDENHEIMER. No, sir.

Mr. STAFFORD. You said nothing to him? You do not recall what you said?

Mr. HEIDENHEIMER. I told him to go down and see Mr. Horning.

Mr. STAFFORD. Why did you refer him to Mr. Horning?

Mr. HEIDENHEIMER. Because Mr. Horning was attending to all that. I did not employ him. I did not employ anyone.

Mr. STAFFORD. Mr. Horning, as I understood you, had full authority from you and Mr. Burnstine to represent you in the employment of these people?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. Throughout, from the time it was introduced until the bill became a law?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. The reporter can not get a nod.

The CHAIRMAN. Answer a little louder, Mr. Heidenheimer, please.

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. How do you know Mr. Schulteis is an attorney?

Mr. HEIDENHEIMER. Mr. Schulteis? I just know Mr. Schulteis—I think I looked up in the telephone book once. I think he had some papers—I think it was away back in 1899 or 1889 he appeared. The same condition confronted the pawnbrokers and I think he appeared for them and had a new bill introduced.

Mr. STAFFORD. At that time that bill was not successful?

Mr. HEIDENHEIMER. Yes; that is the bill they worked under up to this bill.

Mr. STAFFORD. But it was never passed through Congress?

Mr. HEIDENHEIMER. Yes; it was. We worked under that bill from 1889 until——

Mr. STAFFORD. Oh, you worked under the 1889 law until this law of 1913 was passed?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. You had some dealings with Mr. Schulteis at that time?

Mr. HEIDENHEIMER. I did not; my father did—or some of the brokers.

Mr. STAFFORD. What did Mr. Horning tell you as to Mr. Schulteis's employment?

Mr. HEIDENHEIMER. He did not say anything?

Mr. STAFFORD. Did he ever speak to you afterwards about Mr. Schulteis?

Mr. HEIDENHEIMER. Yes; he said he must have left the city, or something.

Mr. STAFFORD. And he never performed any service for you?

Mr. HEIDENHEIMER. Oh, I guess he came back and performed services. He was not working on it regularly. I seen him once, I think, during the course of the whole interval during the time he was engaged until the passage of the bill.

Mr. STAFFORD. Where did you see him on that occasion?

Mr. HEIDENHEIMER. I think he came down to the place.

Mr. STAFFORD. What did he say on that occasion? What was the purpose of his call?

Mr. HEIDENHEIMER. He needed some money.

Mr. STAFFORD. What did he say he had done?

Mr. HEIDENHEIMER. Oh, he said he was talking to Members and explaining to them.

Mr. STAFFORD. When was that, about?

Mr. HEIDENHEIMER. I do not remember the date.

Mr. STAFFORD. What did you say to him when he called the second time, saying he wanted some money?

Mr. HEIDENHEIMER. I think—I told him to go to see Mr. Horning.

Mr. STAFFORD. He said he had been talking to Members? Do you recall the names of the Members he gave?

Mr. HEIDENHEIMER. He did not mention any names.

Mr. STAFFORD. Are you sure this $305 that was included in your preliminary statement included the $250 fee paid to Tucker, Kenyon & Macfarland?

Mr. HEIDENHEIMER. You mean am I sure that that $305——

Mr. STAFFORD. Includes the $250 fee?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. Where, then, is any account credited to you of the $67.86, which is the total figure for disbursements made by you for this printing of briefs and circular letters and the like, for which you have introduced bills here?

Mr. HEIDENHEIMER. That is in the $305.

Mr. STAFFORD. $67.86 and $250 would make more than $305; it would make $317.86. You have introduced bills here to show that you have spent $67.86 for printing of various sorts.

Mr. HEIDENHEIMER. I do not think it is that much.

Mr. STAFFORD. Well, here are the bills: These amounts of $31.75, $4.88, $24.82, $6.41, all of which you stated you paid, total $67.86.

Mr. HEIDENHEIMER (examining the papers referred to). Let me see if some of those entries were not made twice. [After making a computation:] There is a difference of $2; isn't that what you make it?

Mr. STAFFORD. A difference of $12.

Mr. HEIDENHEIMER. Those bills must be in that previous statement, a part of them.

Mr. STAFFORD. What is in this $305 which was your later statement, for moneys expended by you?

Mr. HEIDENHEIMER (after examining paper). I just can not remember that.

Mr. STAFFORD. This is a very recent matter; only about six months ago, February 18, 1913, a statement prepared by you. Heidenheimer expenses, $305. Now, it does not include the $250, because that was paid by you on August 22, 1911, 18 months before.

Mr. HEIDENHEIMER. These printing bills are in the first statement.

Mr. STAFFORD. Pardon me?

Mr. HEIDENHEIMER. These printing bills, February 1, 1912—these printing bills must be in this first statement.

Mr. STAFFORD. What is in this $305, your second statement? It certainly is not the $250 you advanced to Tucker, Kenyon & Macfarland, because that was paid 18 months before, and you make a specific reference to it in this statement. [After a pause.] How much money did you pay Schulteis?

Mr. HEIDENHEIMER. I did not pay him anything.

Mr. STAFFORD. Nor Sullivan?

Mr. HEIDENHEIMER. No, sir.

Mr. STAFFORD. Even though Schulteis called upon you and told you he was hard up and wanted some money you did not pay him anything?

Mr. HEIDENHEIMER. No; I sent him to Horning.

Mr. STAFFORD. What does this $305 represent?

Mr. HEIDENHEIMER. I am trying to think it out now. I can not think of it just at present, whether it came in on the settlement, or how it was.

Mr. STAFFORD. Do you think if you had time to think it over it might come to you, after talking it over with Horning?

Mr. HEIDENHEIMER. If I get their checks, you know.

Mr. STAFFORD. You think Mr. Horning will be able to explain that to you, after you confer with him?

Mr. HEIDENHEIMER. No; I don't.

Mr. STAFFORD. Do you?

Mr. HEIDENHEIMER. I don't think he would.

Mr. STAFFORD. He might be able to?

Mr. HEIDENHEIMER. Maybe.

Mr. STAFFORD. How long did you confer last night with Mr. Horning?

Mr. HEIDENHEIMER. About half an hour.

Mr. STAFFORD. I thought you testified a little while ago it was——

Mr. HEIDENHEIMER. It might have been more; I don't remember.

Mr. STAFFORD. You just dropped in on him casually, at 1 oclock in the morning, as I understand it?

Mr. HEIDENHEIMER. Yes.

Mr. STAFFORD. Without his knowing you were going to call at all, and took him out of bed and had a midnight meeting and conversation there?

Mr. HEIDENHEIMER. Yes.

Mr. STAFFORD. As to what did you confer?
Mr. HEIDENHEIMER. The general situation.
Mr. STAFFORD. Not about your business——
Mr. HEIDENHEIMER. No.
Mr. STAFFORD (continuing). Over in Alexandria or over in Virginia, but about this matter?
Mr. HEIDENHEIMER. Yes.
Mr. STAFFORD. There were four present?
Mr. HEIDENHEIMER. Yes.
Mr. STAFFORD. As I understand, Mr. Horning, his wife, Mr. Burnstine, and yourself?
Mr. HEIDENHEIMER. Yes.
Mr. STAFFORD. Nobody else?
Mr. HEIDENHEIMER. No.
Mr. STAFFORD. Was Mrs. Horning there during the entire time?
Mr. HEIDENHEIMER. I think so.
Mr. STAFFORD. Don't you know—a matter that occurred only a few hours ago?
Mr. HEIDENHEIMER (after a pause). I think she came down later.
Mr. STAFFORD. When she did come down, did she remain until the close?
Mr. HEIDENHEIMER (after a pause). I am not sure whether she stayed there or not.
Mr. STAFFORD. Were you so deeply concerned in the matter you were conferring about that you were oblivious to who was present?
Mr. HEIDENHEIMER. I know she was there, but I don't know whether she stayed there the entire time. Maybe she did. I told you I was pretty fatigued last night.
Mr. STAFFORD. If you were pretty fatigued last night, what was your purpose in going up there at that hour of the night?
Mr. HEIDENHEIMER. I just wanted to see him. I had to get these books and different things.
Mr. STAFFORD. You had those books, didn't you? They were not Mr. Horning's books; they were your books?
Mr. HEIDENHEIMER. I know, but I had to look through them for the checks and different things.
Mr. STAFFORD. They were not Mr. Horning's books; they were your books?
Mr. HEIDENHEIMER. I say, but I was tired out by the examination yesterday and the weather and different conditions.
Mr. STAFFORD. And you thought you would get a little mental relaxation by going up there and talking this matter over with Mr. Horning at that midnight hour?
Mr. HEIDENHEIMER. Yes.
Mr. STAFFORD. Did you take your books up there; did you take any memorandum up with you?
Mr. HEIDENHEIMER. I had this with me [indicating].
Mr. STAFFORD. Is that all you took with you?
Mr. HEIDENHEIMER. Yes.
Mr. STAFFORD. You didn't take the other papers?
Mr. HEIDENHEIMER. Yes; the bills.
Mr. STAFFORD. What did you take with you; all those exhibits that have been introduced in evidence here this morning?
Mr. HEIDENHEIMER. Not this [indicating].

Mr. STAFFORD. Nothing else?

Mr. HEIDENHEIMER. No; I did not have this with me [indicating].

Mr. STAFFORD. You had no account books with you, or any of those books?

Mr. HEIDENHEIMER. No.

Mr. STAFFORD. When did this previous settlement of $1,687.36 take place?

Mr. HEIDENHEIMER. August 30, 1912.

Mr. STAFFORD. Where was it that that settlement took place?

Mr. HEIDENHEIMER. I might have made up a statement and got the checks from each of them. I might have told each one what they owed.

Mr. STAFFORD. This was your statement of the amount that had been expended at the prior settlement amounting to $1,687.36?

Mr. HEIDENHEIMER. Yes.

Mr. STAFFORD. What did that consist of?

Mr. HEIDENHEIMER. That must have consisted of these printing bills and money Mr. Horning laid out.

Mr. STAFFORD. How is that?

Mr. HEIDENHEIMER. That must have consisted of these printing bills——

Mr. STAFFORD. That amounts to $67.86. There is $1,600 more yet to be accounted for.

Mr. HEIDENHEIMER. Money Mr. Horning laid out.

Mr. STAFFORD. You say you prepared this statement?

Mr. HEIDENHEIMER. Yes.

Mr. STAFFORD. Did it show the purpose for which the amount had been expended?

Mr. HEIDENHEIMER (after a pause). I don't remember.

Mr. STAFFORD. So you now wish to swear that prior to August 30, 1912, there was expended for the purpose of defeating the pawnshop amendment $1,687.36, of which you only account for $67.86, and that $1,687.36 not including the $250 retainer fee that you had paid to Tucker, Kenyon & Macfarland?

Mr. HEIDENHEIMER. Will you repeat that question?

Mr. STAFFORD. Read the question.

The stenographer (reading):

So you now wish to swear that prior to August 30, 1912, there was expended for the purpose of defeating the pawnshop amendment $1,687.36, of which you only account for $67.86, and that $1,687.36 not including the $250 retainer fee that you had paid to Tucker, Kenyon & Macfarland?

Mr. STAFFORD. You swear that that amount was paid out for this purpose?

Mr. HEIDENHEIMER. I will swear I paid my proportion of it.

Mr. STAFFORD. Of the $1,687.36, prior to August 30, 1912?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. And that that did not include the $250 fee that you had paid to Tucker, Kenyon & Macfarland?

Mr. HEIDENHEIMER. I think that is right; yes, sir.

Mr. STAFFORD. Is this Schulteis that you looked up in the telephone book and you referred to this morning as having called upon you upon a couple of occasions Mr. Herman Schulteis?

Mr. HEIDENHEIMER. I don't remember his first name.

Mr. STAFFORD. Who is the counsel for the Antitrust League here in Washington?

Mr. HEIDENHEIMER. I think that is him.

Mr. STAFFORD. You think that is the same person, do you?

Mr. HEIDENHEIMER. I don't know.

Mr. STAFFORD. You do not know of any other Mr. Schulteis here in Washington?

Mr. HEIDENHEIMER. I think he has a son who is a lawyer.

Mr. STAFFORD. Pardon me?

Mr. HEIDENHEIMER. I think he has a son who is a lawyer. I do not know whether he has the same name.

Mr. STAFFORD. Is this the senior, the elder Mr. Schulteis?

Mr. HEIDENHEIMER. This is senior.

Mr. STAFFORD. The one that called upon you, that represented the pawnbrokers?

Mr. HEIDENHEIMER. Yes. Maybe that is his name.

Mr. STAFFORD. That is all.

Mr. WILLIS. When you testified here yesterday, Mr. Heidenheimer, did you know of the employment of Mr. Sullivan and Mr. Schulteis by Mr. Horning?

Mr. HEIDENHEIMER. It skipped my memory. I thought of it yesterday, but I have only refreshed my memory this morning.

Mr. WILLIS. You thought of them later, in your conversation with Mr. Horning?

Mr. HEIDENHEIMER. No; I thought of them when I left here, the same as they asked me if I had been in any other congressional rooms.

Mr. WILLIS. That was the matter, then, about which you conferred with Mr. Horning?

Mr. HEIDENHEIMER. This last night?

Mr. WILLIS. I think you said you did not confer with Mr. Horning about that matter; that came to you in your own recollection concerning the employment of Mr. Schulteis and Mr. Sullivan. You knew of that personally, did you?

Mr. HEIDENHEIMER. I thought of it after I left here yesterday.

Mr. WILLIS. I want to be sure we understand this financial statement. If you will refer to the statement that has been put in evidence here, you have the total amount expended with reference to this legislation as being $3,734.36. Is that correct?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. And the sum total of these various printing bills already put in evidence is $67.86. Is that correct?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. And to the best of your recollection Mr. Davis received a fee of $1,500?

Mr. HEIDENHEIMER. I don't know what Mr. Davis received, exactly.

Mr. WILLIS. Did you not testify to that yesterday, that to the best of your recollection he received a fee of $1,500?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. Very well. And you have testified that Tucker received $250 as a retainer and subsequently $100 for an opinion on the bill, making $350 in all that Tucker received?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. And the sum total you can account for is $1,917.86?
Mr. HEIDENHEIMER. Yes.
Mr. WILLIS. Then the amount remaining, then, unaccounted for, out of the $3,734.36, is $1,816.50. But now, since you recollect the employment of Mr. Schulteis and Mr. Sullivan you say you think possibly they received, how much in fees?
Mr. HEIDENHEIMER. They received a moderate amount. I do not remember. Maybe $150, $200, or $300.
Mr. WILLIS. Perhaps $200 passed to their hands?
Mr. HEIDENHEIMER. Around—somewhere around that.
Mr. WILLIS. Well, approximately $400, which would leave $1,400 unaccounted for. Do you say in your conference with Mr. Horning that no attempt was made by you to find out how this $1,400 was expended?
Mr. HEIDENHEIMER. I did not spend it.
Mr. WILLIS. And you do not know how it was expended and did not ask Mr. Horning what he did with that money?
Mr. HEIDENHEIMER. No, sir.
Mr. WILLIS. Do you know whether any of the funds collected for the purpose of defeating this legislation were ever contributed to any campaign funds of any political party?
Mr. HEIDENHEIMER. I do not know, sir.
Mr. WILLIS. You do not know?
Mr. HEIDENHEIMER. No.
Mr. WILLIS. Did you ever hear Mr. Horning make any statement as to whether he had made any contributions to any campaign fund of any political party?
Mr. HEIDENHEIMER (after a pause). I think I did.
Mr. WILLIS. What did he say about it?
Mr. HEIDENHEIMER. About the political party—I think he made contributions to a political party.
Mr. WILLIS. What did he say about contributions to campaign funds, of any political party?
Mr. HEIDENHEIMER. I think he said he made a contribution to a campaign fund. I heard him say so.
Mr. WILLIS. You think he did make contributions?
Mr. HEIDENHEIMER. I am not sure.
Mr. WILLIS. Out of this fund?
Mr. HEIDENHEIMER. I don't know whether it came out of this fund or not.
Mr. WILLIS. It must have been out of this fund, or else there would have been no occasion for the discussion of it. You know Mr. Horning made a contribution?
Mr. HEIDENHEIMER. I don't, positively; I don't know positively. He will have to answer that.
Mr. WILLIS. He told you he had made a contribution?
Mr. HEIDENHEIMER. I think he did.
Mr. WILLIS. Did he state the amount of the contribution?
Mr. HEIDENHEIMER. No, sir.
Mr. WILLIS. To whom did he make the contribution?
Mr. HEIDENHEIMER. I do not know, sir.
Mr. WILLIS. You do not know to what individual he contributed?
Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. Did he say to what political party he made this contribution?

Mr. HEIDENHEIMER. I think the Democratic Party.

Mr. WILLIS. He made a contribution to the Democratic Party?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. When was it this contribution was made?

Mr. HEIDENHEIMER. That I don't know.

Mr. WILLIS. Did he state that there was any understanding as to the purpose of this contribution?

Mr. HEIDENHEIMER. Not that I know of.

Mr. WILLIS. What?

Mr. HEIDENHEIMER. Not that I know of.

Mr. WILLIS. Not that you know of. You think this contribution was made out of this fund, do you?

Mr. HEIDENHEIMER. I do not know what he made the contribution out of.

Mr. WILLIS. But you do know he made a contribution?

Mr. HEIDENHEIMER. I do not know he made a contribution; he may have made one.

Mr. WILLIS. I understood you to say he made a contribution.

Mr. HEIDENHEIMER. I think he made it. I think I heard him. I am not positive as to whether he made a contribution or not.

Mr. WILLIS. You are positive he said he made a contribution to the Democratic campaign fund?

The CHAIRMAN (after a pause). What did you answer to that?

Mr. HEIDENHEIMER. I have not answered it.

The CHAIRMAN. Well, answer it; you can surely answer that.

Mr. HEIDENHEIMER. Yes; I think so.

Mr. WILLIS. Did he state that he had made a contribution to a campaign fund of any other political party?

Mr. HEIDENHEIMER. Not that I know of.

Mr. WILLIS. When did he state to you that he made this contribution?

Mr. HEIDENHEIMER (after a pause). I guess he made it——

The CHAIRMAN (after a pause). What do you say to that, Mr. Heidenheimer?

Mr. HEIDENHEIMER. I am just thinking it over. I want to be sure. I think he told me about a week ago, or maybe more than a week ago—some time between——

Mr. WILLIS. He told you about a week ago. Do you remember where you were when he made this statement to you?

Mr. HEIDENHEIMER. I can not remember.

Mr. WILLIS. Do you remember whether anyone else was present besides Mr. Horning and yourself when this conversation took place?

Mr. HEIDENHEIMER. Regarding this campaign fund?

Mr. WILLIS. Regarding the contribution to the campaign fund?

Mr. HEIDENHEIMER (after a pause). I believe he said last night he made a contribution to a campaign fund.

Mr. WILLIS. He said last night he made a contribution to a campaign fund. Was that said in an attempt to account for this $1,400 thus far unaccounted for?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. He said that he made a contribution out of this $1,400 to the Democratic campaign fund?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. But he did not say how much?

Mr. HEIDENHEIMER (after a pause). Well, I think the records will show that, wouldn't it?

The CHAIRMAN. What record?

Mr. HEIDENHEIMER. The campaign fund; I don't know who he gave the campaign funds.

Mr. WILLIS. He did not state to you the amount, you say; or did he state to you the amount?

Mr. HEIDENHEIMER. I think he said he gave $500 to the campaign fund.

Mr. WILLIS. You think he said he gave $500 to the Democratic campaign fund?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. Did he attempt to account in any way for the remainder of the $1,400?

Mr. HEIDENHEIMER. (after a pause). I don't remember that.

Mr. WILLIS. You do not remember?

Mr. HEIDENHEIMER. No.

Mr. WILLIS. But you state positively that Mr. Horning said to you that he contributed $500 to the Democratic campaign fund out of this $1,400 unaccounted for?

Mr. HEIDENHEIMER. I think so; I am not sure. I don't remember the conversation in detail.

Mr. WILLIS. I am asking you as to your best recollection.

Mr. HEIDENHEIMER. To my best recollection—yes.

Mr. WILLIS. Did he state positively, or do you state positively as to whether he made a statement about a contribution to any other campaign fund of any other political party?

Mr. HEIDENHEIMER. I didn't hear any conversation about that.

Mr. WILLIS. You didn't hear any statement about that?

Mr. HEIDENHEIMER. No.

Mr. WILLIS. But you did hear this statement that he contributed $500 to the Democratic campaign fund?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. Did he state why he made that contribution to the campaign fund from a fund that was collected for the purpose of defeating the loan-shark bill—why he made a contribution out of that fund to the Democratic campaign fund?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. Did you ask any question about that?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. You thought that was a perfectly proper use of this fund, did you?

Mr. HEIDENHEIMER. Which?

Mr. WILLIS. You think that the contribution out of the fund that you had raised for the purpose of controlling this legislation was perfectly legitimate when contributed to a campaign fund of a political party?

Mr. HEIDENHEIMER. I considered it legitimate if a man wants to do it; yes.

Mr. WILLIS. You consider it legitimate if a man wants to do it?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. What was the object of that contribution?

Mr. HEIDENHEIMER. Can not a man contribute to a campaign fund?

Mr. WILLIS. But I am asking you the object of this specific contribution. Why did you contribute to the campaign fund out of a fund you had raised for the purpose of defeating legislation?

Mr. HEIDENHEIMER. Well, I can not answer that; I don't know how to answer that.

Mr. WILLIS. You do not know how to answer that?

Mr. HEIDENHEIMER. No.

Mr. WILLIS. Did Mr. Horning say to whom he made this contribution? Did he speak of any person?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. Did he speak of any assurance that was given to him by any person as to his ability to control legislation?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. What reason occurred to you as to why Mr. Horning should make this contribution to a campaign fund out of a fund that you say you had collected for the legitimate purpose of controlling legislation? Why did he do that? What was your idea of that?

Mr. HEIDENHEIMER. Maybe he was friendly to some Democrats.

Mr. WILLIS. You thought he was friendly to some Democrats?

Mr. HEIDENHEIMER. He wanted—I suppose it is proper to contribute to a fund to get acquainted with them.

Mr. WILLIS. He contributed to the fund to get acquainted with those Democrats?

Mr. HEIDENHEIMER. I mean, if they are acquainted.

Mr. WILLIS. If they are acquainted, and he wanted to be friendly with them?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. What was his object in doing that? Did he explain that to you?

Mr. HEIDENHEIMER. I do not think that needs any explanation.

Mr. WILLIS. You do not think that needs any explanation?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. Very well.

Mr. HEIDENHEIMER. I should think——

Mr. WILLIS. One other question. Now, who was present at this conversation last night when Mr. Horning said he made this campaign contribution out of this fund?

Mr. HEIDENHEIMER. Mrs. Horning and Mr. Burnstine.

Mr. WILLIS. Mrs. Horning, Mr. Burnstine, and, of course, yourself?

Mr. HEIDENHEIMER. Yes.

Mr. WILLIS. I think that is all for the present, Mr. Chairman.

The CHAIRMAN. Did he tell you what particular campaign fund it was he contributed to, whether the congressional or presidential campaign fund?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Or a campaign here in the District?

Mr. HEIDENHEIMER. No, sir; I don't know what it was.

The CHAIRMAN. Where did he send it to?

Mr. HEIDENHEIMER. I don't know, sir.

The CHAIRMAN. Where did he say he sent it?
Mr. HEIDENHEIMER. He did not say anything.
The CHAIRMAN. How is that?
Mr. HEIDENHEIMER. He did not say anything.
The CHAIRMAN. Did he not tell you he contributed that money to the campaign fund of Mr. McDermott to the Chicago campaign fund?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Don't you know he told you that in that conversation?
Mr. HEIDENHEIMER. He positively did not.
The CHAIRMAN. He did not?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. You state that positively?
Mr. HEIDENHEIMER. He positively did not.
The CHAIRMAN. Did he state where he did send it?
Mr. HEIDENHEIMER. I did not ask where he sent it.
The CHAIRMAN. I know you did not ask, but did he state?
Mr. HEIDENHEIMER. No, sir; he did not state it.
The CHAIRMAN. Why did you not ask him?
Mr. HEIDENHEIMER. I did not think it was necessary to ask.
The CHAIRMAN. Why did you not think it was necessary to ask?
Mr. HEIDENHEIMER. I imagine that he sent it around during the presidential campaign—the campaign fund.
The CHAIRMAN. You imagine it was the presidential campaign fund?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. I thought you said a while ago he contributed to some Democratic Congressman he wanted to help out?
Mr. HEIDENHEIMER. No; you must have misunderstood me. I did not say that. I said if he knew some Democratic Congressman, I said he might have had some Democratic Congressman who were friendly and he was friends with. And I don't see anything wrong if you want to contribute to a campaign fund.
The CHAIRMAN. I am not asking you whether you see anything wrong with the matter or not, I am just asking you what Mr. Horning said about it, whether or not he gave you any intimation as to where he contributed this money. You say it was $500. Are you certain it was $500?
Mr. HEIDENHEIMER. He paid it; I don't know how much he gave to it.
The CHAIRMAN. But you know how much he told you?
Mr. HEIDENHEIMER. I don't know.
The CHAIRMAN. Don't you remember he told you $600?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. How is that?
Mr. HEIDENHEIMER. I don't remember.
The CHAIRMAN. And he did not tell where he sent it?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Didn' he tell you who he gave it to?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. When did he say he contributed it? The last campaign was 1912?

Mr. HEIDENHEIMER. I did not ask him.

The CHAIRMAN. When before then? You say he told you this last night, and then you said he told you about a week ago, didn't you, also?

Mr. HEIDENHEIMER (after a pause). Yes, I think—but when I come to think of it I think it was around election time, now.

The CHAIRMAN. You do not think it was a week ago; you think it was around election time?

Mr. HEIDENHEIMER. Around election time.

The CHAIRMAN. Has he not spoken of it at any time except last night since you were subpœnaed?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. And you do not think he spoke of it about a week ago; you think about election time?

Mr. HEIDENHEIMER. No.

The CHAIRMAN. After refreshing your recollection——

Mr. HEIDENHEIMER. How long ago was the election?

The CHAIRMAN. What election, now?

Mr. HEIDENHEIMER. The presidential election.

The CHAIRMAN. The presidential election last fall?

Mr. HEIDENHEIMER. Yes.

The CHAIRMAN. That was held in November. November 5, 1912. You think about that time he told you he had contributed $500; is that correct?

Mr. HEIDENHEIMER. He might have contributed more, but $500 from this fund.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. $500 from this fund.

The CHAIRMAN. He told you he contributed $500 from this fund?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Did he tell you of any other contribution he made to any other fund?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. You say you think now about November last he mentioned that?

Mr. HEIDENHEIMER. I think around the presidential election time.

The CHAIRMAN. You think around presidential election time. Now, when did he say he had contributed it? He told you that about election time, but did he tell you when he contributed, when he actually paid it out?

Mr. HEIDENHEIMER (after a pause). No, sir. Previous to the election, you know.

The CHAIRMAN. Previous to election time?

Mr. HEIDENHEIMER. I am under that impression.

The CHAIRMAN. Was it previous to the settlement you all made in August, 1912?

(After a pause.)

The CHAIRMAN. That he told you about that and that he had made a contribution, or was it after that settlement that he told you?

Mr. HEIDENHEIMER. No; we did not discuss that.

The CHAIRMAN. Oh, Mr. Heidenheimer, come on now and tell us about this thing. [Laughter.]

Mr. HEIDENHEIMER. About what thing?

The CHAIRMAN. About this campaign contribution.
Mr. HEIDENHEIMER. I can not fix the time.
The CHAIRMAN. You can make a try at it, can't you?
Mr. HEIDENHEIMER. My impression is it was right around previous to election.
The CHAIRMAN. Right around previous to election that he told you he made it; just a short time before the election?
Mr. HEIDENHEIMER. There was some talk about collecting campaign funds. I remember some slight conversation about that, but I just could not testify.
The CHAIRMAN. A slight conversation between you and Mr. Horning?
Mr. HEIDENHEIMER. Yes.
The CHAIRMAN. And who else?
Mr. HEIDENHEIMER. That is all I remember at the time.
The CHAIRMAN. Did Mr. Burnstine know anything about this?
Mr. HEIDENHEIMER. Maybe he does. I don't know whether he knows anything about it or not.
The CHAIRMAN. Now, you feel pretty sure it was about election time he told you of this; election time in 1912?
Mr. HEIDENHEIMER. Yes.
The CHAIRMAN. That he had made the contribution along about that time? Some time not long previous to the election; is that correct?
Mr. HEIDENHEIMER. I believe he went around collecting for it.
The CHAIRMAN. Had he made it at that time, or was he about to make it?
Mr. HEIDENHEIMER. I think he went around collecting for it.
The CHAIRMAN. How is that?
Mr. HEIDENHEIMER. I think he went around taking contributions for it.
The CHAIRMAN. Oh, he went around taking contributions for it?
Mr. HEIDENHEIMER. Yes.
The CHAIRMAN. Did you contribute? Do you remember about that?
Mr. HEIDENHEIMER (after a pause.) I believe he got some money from me.
The CHAIRMAN. You think he got some money from you?
Mr. HEIDENHEIMER. Yes.
The CHAIRMAN. How much?
Mr. HEIDENHEIMER. I think it was $200.
The CHAIRMAN. You think it was $200?
Mr. HEIDENHEIMER. Yes.
The CHAIRMAN. How did you pay that?
Mr. HEIDENHEIMER. In a check.
The CHAIRMAN. Was that included in this $3,700, then, when you came to make the settlement, or was that independent of this?
Mr. HEIDENHEIMER. I think that is included in that.
The CHAIRMAN. You think it is included in that?
Mr. HEIDENHEIMER. It might have been more.
The CHAIRMAN. Have you got that check with you there?
Mr. HEIDENHEIMER. I might have it here.
The CHAIRMAN. I wish you would look and see if you can find that check among your checks. To whom was that check made payable?

Mr. HEIDENHEIMER. It might be made payable to George Horning.

The CHAIRMAN. Well, it might. It might be made to somebody else.

Mr. Heidenheimer, the committee will take a recess here until 3.20 o'clock. In the meantime you look that up and be ready to tell us about it as soon as you come back on the stand.

(Thereupon, at 1.15 o'clock p. m., the committee took a recess until 3.20 o'clock p. m.)

AFTER RECESS.

The committee met, pursuant to the taking of recess, at 3.20 o'clock p. m.

TESTIMONY OF ISAAC HEIDENHEIMER—Continued.

The CHAIRMAN. Mr. Heidenheimer, did you find the check we were asking you about just before recess was taken?

Mr. HEIDENHEIMER. I find a $200 check here.

The CHAIRMAN. What date?

Mr. HEIDENHEIMER. October 31.

The CHAIRMAN. Is that a check or stub?

Mr. HEIDENHEIMER. Stub; I have not the check.

The CHAIRMAN. You have not the check?

Mr. HEIDENHEIMER. I can find the check, maybe.

The CHAIRMAN. Have you your canceled checks here?

Mr. HEIDENHEIMER. Not all of them?

The CHAIRMAN. Have you looked for that one?

Mr. HEIDENHEIMER. No; I did not. I overlooked it.

The CHAIRMAN. What date is that?

Mr. HEIDENHEIMER. October 31.

The CHAIRMAN. 1912?

Mr. HEIDENHEIMER. Yes, sir. I overlooked that because it was not written plain. That is 1912; yes, sir.

The CHAIRMAN. That was payable to whom?

Mr. HEIDENHEIMER. George D. Horning.

The CHAIRMAN. $200?

Mr. HEIDENHEIMER. $200.

The CHAIRMAN. Does the stub show what it was for?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Do you know, personally, what it was for?

Mr. HEIDENHEIMER. I can not say that I do. I think it went to the same thing, I think it went to the campaign fund.

The CHAIRMAN. How many checks do you find, in going through there, payable to Mr. Horning? You have examined them, have you not, all those stubs?

Mr. HEIDENHEIMER. I want to be sure before I answer. [After examining check book.] There are four.

The CHAIRMAN. From what date to what date do those check books run?

Mr. HEIDENHEIMER. This one runs from January 10, 1912, to August 15, 1913. This one runs from December 8, 1911, to June 25, 1912, and this one runs from June 28, 1912, to December 12, 1912.

The CHAIRMAN. So the three check books, taken together, run from December——

Mr. HEIDENHEIMER. December 8, 1911.

The CHAIRMAN. Up to and including August, 1913; what date in August?

Mr. HEIDENHEIMER. August 15, 1913.

The CHAIRMAN. To August 15, 1913. Then, is that a complete record of all the checks you have issued from December 8, 1911, up to August 15, 1913?

Mr. HEIDENHEIMER. No, sir; I have one more book, but there is not any in there.

The CHAIRMAN. Are those checks all on the same bank?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. On different banks?

Mr. HEIDENHEIMER. On different banks.

The CHAIRMAN. You have one other book, but there are no checks to Horning in there?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. How many checks are in there, did you say, drawn to Horning between those dates?

Mr. HEIDENHEIMER. Four.

The CHAIRMAN. Now, take up the first one in point of time, and give the amount of it and the date.

Mr. HEIDENHEIMER. April 12, 1912.

The CHAIRMAN. I thought there was one dated December 8, 1911, or was that when the check book began?

Mr. HEIDENHEIMER. It must have been when the check book began. Wait a minute. [After a pause.] That was when the check book began.

The CHAIRMAN. So the one you have just mentioned is the first one, in point of time, payable to Mr. Horning; is that correct? The one you have just called?

Mr. WILLIS. April 12, 1912?

Mr. HEIDENHEIMER. April 12, 1912.

The CHAIRMAN. What is the amount of that?

Mr. HEIDENHEIMER. One hundred and eighty dollars.

The CHAIRMAN. Does that stub show what it is for?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Do you know what it was for?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Have you any recollection of it at all?

Mr. HEIDENHEIMER. No, sir. I just gave that to Mr. Horning.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. I just gave that to Mr. Horning.

The CHAIRMAN. Do you know what you gave it to him for?

Mr. HEIDENHEIMER. No, sir. He just asked for it for expenses.

The CHAIRMAN. What expenses?

Mr. HEIDENHEIMER. Some expenses he had.

The CHAIRMAN. About what?

Mr. HEIDENHEIMER. I do not know what it was; in connection with this.

The CHAIRMAN. In connection with this legislation?

Mr. HEIDENHEIMER. Yes, sir.

Mr. WILLIS. Is the statement on the stub "for expenses"?
Mr. HEIDENHEIMER. It says "outlay" on the stub.
The CHAIRMAN. "Outlay." You think it was a part of this transaction, do you?
Mr. HEIDENHEIMER. Oh, yes.
The CHAIRMAN. Well, now, what is the next one?
Mr. HEIDENHEIMER. July 5, 1912.
The CHAIRMAN. What is the amount of that?
Mr. HEIDENHEIMER. $1,000.
The CHAIRMAN. $1,000? How does that read?
Mr. HEIDENHEIMER. The stub is blank; just to George Horning.
The CHAIRMAN. Have you the original check there?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. How does that read?
Mr. HEIDENHEIMER. George D. Horning, $1,000.
The CHAIRMAN. For what?
Mr. HEIDENHEIMER. It don't say for what.
The CHAIRMAN. Do you know what it was for?
Mr. HEIDENHEIMER. The same thing. Mr. Horning would come to me to get the money, and when we had a settlement, he gave me his check and Burnstine gave me his. Sometimes he would lay the money out and come to me and get it.
The CHAIRMAN. Who was the cashier of this trio?
Mr. HEIDENHEIMER. I was, to a certain extent.
The CHAIRMAN. You kept the accounts?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Of expenditures? All right; take the next one, now.
Mr. HEIDENHEIMER. August 30, 1912, $113.
The CHAIRMAN. How does that read?
Mr. HEIDENHEIMER. Just says "to balance account."
The CHAIRMAN. And what was the date?
Mr. HEIDENHEIMER. August 30, 1912. That was the time we had a settlement. Mr. Horning had laid out $113.
The CHAIRMAN. The time you had a settlement?
Mr. HEIDENHEIMER. Yes; and I gave him the check for $113, and that made——
The CHAIRMAN. That was at the time of the final settlement, was it?
Mr. HEIDENHEIMER. No; it was the first settlement.
The CHAIRMAN. That was the time of the first settlement. Do you remember anything about that check, personally, what it was for?
Mr. HEIDENHEIMER. That was the balance he had had for which he had laid out money, and he gave me the check for $113, and I rendered settlement for the entire amount expended up to August 30, 1912, which was $1,687.36, and they paid me their pro rata shares.
The CHAIRMAN. What was that last remark of yours?
Mr. HEIDENHEIMER. They paid me their pro rata share.
The CHAIRMAN. It seems you are paying him something there?
Mr. HEIDENHEIMER. I had laid out—Mr. Horning had $113 he had laid out. I had laid out the rest of the money; and to get the pro rata share and to make it easy, I gave him a check for $113, and we pro rated the amounts.

The CHAIRMAN. All right. Take up the next one.

Mr. HEIDENHEIMER. Do you understand what I mean?

The CHAIRMAN. Yes; I think I understand. Take up the next check.

Mr. CLINE. Let me ask you a question? You settled your mutual balances in cash, just what was due, backward and forward?

Mr. HEIDENHEIMER. Not always.

Mr. CLINE. You did sometimes?

Mr. HEIDENHEIMER. I think Mr. Burnstine settled my checks; I think Mr. Horning settled my checks.

Mr. CLINE. Did you not have an account as a set-off against Horning's account?

Mr. HEIDENHEIMER. He had $113; he had laid out the rest of the money.

Mr. CLINE. Was not this the rule you followed: If Horning had an account against the bunch, and you had an account against Horning and Burnstine, whatever balance you ought to pay you paid in cash or by a check, did you not?

Mr. HEIDENHEIMER. No. I had given the money to Horning; and when the time came for the balance, he had $113.

Mr. CLINE. You did not pay out anything to anybody; you let Horning do the paying?

Mr. HEIDENHEIMER. Yes, sir. I paid out this $250, the retainer, but this $305 I forget about.

Mr. CLINE. That is what I am trying to find out. You held that as an item or an account against Horning and the other man?

Mr. HEIDENHEIMER. I did not hold it, because they made me the checks.

Mr. CLINE. Yes; when you told them what it was. When you had your first settlement of about $1,400, did you not take into account the money you had already advanced and give a check for the balance?

Mr. HEIDENHEIMER. I do not remember how it was any more.

The CHAIRMAN. I wish you would file those checks, where you have the checks. I wish you would file them.

Mr. HEIDENHEIMER. There is one I have not got, and which I will have to look for.

The CHAIRMAN. It was the first one you have not got, I believe, the first one we talked of; or did you have that? How many checks have you?

Mr. HEIDENHEIMER. It was the last one I have not got.

The CHAIRMAN. You have the other three?

Mr. HEIDENHEIMER. Yes, sir; I overlooked this last night.

The CHAIRMAN. You overlooked one?

Mr. HEIDENHEIMER. Yes, sir; last night. I went through the books carefully. It is not very plain. The last one is October 31, 1912, $200.

The CHAIRMAN. I wish you would file the other three, please, and let them be marked "Exhibits 8, 9, and 10, Heidenheimer," respectively, and insert it in the record. How are those checks indorsed on the back? Will you look at them and see how they are indorsed on the back, Mr. Heidenheimer?

Mr. HEIDENHEIMER. One is indorsed by Horning.

The CHAIRMAN. They are all indorsed "George D. Horning"?

Mr. HEIDENHEIMER. One is indorsed "George D. Horning." I can not read it. I think that is meant for George D. Horning.

The CHAIRMAN. Any other indorsements on the back?

Mr. HEIDENHEIMER. One says, "Lincoln National Bank. Prior indorsement guaranteed. April 15, 1912."

The CHAIRMAN. Which one is that?

Mr. HEIDENHEIMER. The $180 one.

The CHAIRMAN. All right, go ahead.

Mr. HEIDENHEIMER. One of them is indorsed "George D. Horning, pay the Commercial National Bank, Washington, D. C., United States Trust Co., S. J. Henry, treasurer." This other one has nothing on it but "George D. Horning."

The CHAIRMAN. That has no indorsement except that of Mr. Horning. It has that, has it not?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. What is the amount of that check?

Mr. HEIDENHEIMER. $113.

(The checks referred to read as follows:)

No. 53160.

WASHINGTON, D. C., *July 5, 1912.*

NATIONAL METROPOLITAN BANK:

Pay to the order of Geo. D. Horning $1,000—one thousand dollars.

E. HEIDENHEIMER,
Per BENJAMIN HEID.

Established 1866. E. Heidenheimer, diamonds, watches, and precious stones, 1236 Pennsylvania Avenue NW.

For ——.

(Indorsed:) Geo. D. Horning.

No. 53203.

Established 1866. E. Heidenheimer, diamonds, watches, and precious stones, 1236 Pennsylvania Avenue NW.

WASHINGTON, D. C., *April 12, 1912.*

Pay to the order of Geo. D. Horning $180—one hundred eighty no/100 dollars.

E. HEIDENHEIMER,
Per BENJAMIN HEID.

Not over two hundred—$200.

To MERCHANTS AND MECHANICS SAVINGS BANK,
Pennsylvania Avenue and Tenth Street NW.

For ——, Washington, D. C.

(Indorsed:) Geo. D. Horning.

No. 6171.

Established 1866. E. Heidenheimer, diamonds, watches, and precious stones, 1236 Pennsylvania Avenue NW.

WASHINGTON, D. C., *August 30, 1912.*

Pay to the order of George D. Horning $113—one hundred thirteen no/100 dollars.

Not over one hundred twenty—$120.

E. HEIDENHEIMER,
Per ISAAC HEIDENHEIMER.

To the UNITED STATES TRUST CO.,
Pennsylvania Avenue and Tenth Street NW.,
Washington, D. C. 15-67

Account to date.

For ——.

(Indorsed:) Geo. D. Horning.

The CHAIRMAN. Now, Mr. Heidenheimer, you say all three of those checks which have just been put in evidence represent payments made touching this legislative matter here?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. And have reference to that and that alone. Is that correct?

Mr. HEIDENHEIMER. Correct, sir.

The CHAIRMAN. They aggregate $1,293. I am speaking of those three. They aggregate $1,293.

Mr. HEIDENHEIMER. One is for $1,000, one is for $113, and one is for $180; I think that is $1,393.

The CHAIRMAN. One thousand two ninety-three is exactly the amount.

Mr. HEIDENHEIMER. Yes, sir; $1,293.

The CHAIRMAN. Now, does that represent all that you paid in this transaction?

Mr. HEIDENHEIMER. No, sir. I gave a lot of cash.

The CHAIRMAN. You gave a lot of cash? How much cash?

Mr. HEIDENHEIMER. I must have advanced the difference in cash; that does not show in the checks.

The CHAIRMAN. The difference in what?

Mr. HEIDENHEIMER. Between the amount expended and the amount of check. Yesterday I testified there was only two checks. I find there are four. I had forgotten the others.

The CHAIRMAN. Now, to whom did you pay that cash?

Mr. HEIDENHEIMER. Mr. Horning, all except what I intended to account for—this $305. I do not remember paying anybody anything. I might have made a mistake there in the word "expended" instead of "outlay."

The CHAIRMAN. Have you any receipt for any cash payments made to Horning at any time?

Mr. HEIDENHEIMER. I took no receipt.

The CHAIRMAN. You took no receipt?

Mr. HEIDENHEIMER. I was paid my pro rata share by both Mr. Horning and Mr. Burnstine. They paid me the pro rata shares of the outlay.

The CHAIRMAN. You say you must have paid the difference. Then you say they paid you your pro rata share. Who kept these accounts; who was the bookkeeper?

Mr. HEIDENHEIMER. I was.

The CHAIRMAN. You were the bookkeeper? They reported to you the amounts of their expenditures; is that correct?

Mr. HEIDENHEIMER. Yes, sir; Mr. Horning did. Mr. Burnstine did not expend anything.

The CHAIRMAN. Horning reported to you the amount of his expenditures and to whom paid and for what purpose?

Mr. HEIDENHEIMER. Just that he had laid out so much.

The CHAIRMAN. I am asking you if Mr. Horning reported to you the amount of his expenditures?

Mr. HEIDENHEIMER. I gave him that money for it.

The CHAIRMAN. I do not think we understand one another very well. I understood you were the bookkeeper for this trio. You kept all the accounts of your expenditures?

Mr. HEIDENHEIMER. I kept the accounts of the money that was laid out.

The CHAIRMAN. By all of you. You kept the accounts of all the moneys paid out by you to Mr. Burnstine and Mr. Horning?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. That is correct, is it; you kept the accounts of those amounts? Mr. Burnstine would report to you what he had paid out and Mr. Horning would report to you?

Mr. HEIDENHEIMER. Burnstine did not pay out anything.

The CHAIRMAN. Burnstine did not pay out anything?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. He simply paid to you his pro rata?

Mr. HEIDENHEIMER. Either paid it to me or paid it to Horning; I do not remember how this first settlement was any more. The second settlement they made to me.

The CHAIRMAN. What I am trying to get at is that Horning would report to you what he had paid out?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. And you would make a note of that?

Mr. HEIDENHEIMER. He would ask me for the money.

The CHAIRMAN. And hold it against the day of final settlement?

Mr. HEIDENHEIMER. He would ask me for the money.

The CHAIRMAN. He would ask you for the money right on the spot. Did you pay it?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. He would come in and say, "I have paid out so much?"

Mr. HEIDENHEIMER. He would come in and say, "Give me $50 or $40," and I would mark it on the slip, and finally we had our day of settlement.

The CHAIRMAN. Where are those slips now?

Mr. HEIDENHEIMER. When I made settlement I did not have any more use for them and they have been thrown in the waste basket.

The CHAIRMAN. Where are they now?

Mr. HEIDENHEIMER. I do not know where they are now.

The CHAIRMAN. You threw them in the waste basket and they were destroyed?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. And you made no other record except on the slips?

Mr. HEIDENHEIMER. This is the record here [indicating paper].

The CHAIRMAN. That was an aggregate record?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Coming to this $200 check, the last one, dated October 31, 1912, what did you understand that check was for at the time you issued it?

Mr. HEIDENHEIMER. I think it was to go to the campaign fund.

The CHAIRMAN. How came you to think that?

Mr. HEIDENHEIMER. I think Mr. Horning told me that.

The CHAIRMAN. Do you not know whether Mr. Horning told you that or not?

Mr. HEIDENHEIMER. I do not know that positively; I do not remember.

The CHAIRMAN. What campaign fund was it to go to?
Mr. HEIDENHEIMER. I did not ask him.
The CHAIRMAN. You did not ask him?
Mr. HEIDENHEIMER. No, sir; I remember some talk about a campaign fund.
The CHAIRMAN. Do you know what party?
Mr. HEIDENHEIMER. I think it was the Democratic Party.
The CHAIRMAN. To what party do you belong?
Mr. HEIDENHEIMER. Neither. I have no vote, and so what is the use of belonging to any party?
The CHAIRMAN. You have no vote, and you think there is no use to belong to any party. You did not inquire what party he was desiring to contribute to, or asked you to contribute to?
Mr. HEIDENHEIMER. He did not ask me to contribute. No, sir; I did not. I imagine it was the Democratic Party.
The CHAIRMAN. Why?
Mr. HEIDENHEIMER. Oh, there was a wave of Democracy at that time.
The CHAIRMAN. You contributed to the patry that seemed to have the best prospects of winning?
Mr. HEIDENHEIMER. I did not contribute this. I have never contributed.
Mr. CLINE. As far as you were concerned, you were an agnostic, were you? You did not either affirm or deny?
Mr. HEIDENHEIMER. I suppose so.
The CHAIRMAN. You say you did not contribute that?
Mr. HEIDENHEIMER. We gave it to Mr. Horning to charge against the account.
The CHAIRMAN. What account?
Mr. HEIDENHEIMER. The account we had.
The CHAIRMAN. What account which you had? What account do you refer to?
Mr. HEIDENHEIMER. The account that this was drawn off of.
The CHAIRMAN. You mean the account that the $200 was to be charged against was this amount that was raised to be used with reference to this particular pawnbrokers legislation; is that what you mean?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Mr. Heidenheimer, going back to the check of July 5, 1912, for $1,000, I think you testified this morning that the amount of your first settlement, at the time of the first settlement, was about $1,700, something like that—$1,797?
Mr. HEIDENHEIMER. No; that was the last settlement.
The CHAIRMAN. $1,687.36; that was the previous settlement?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. That was in August, 1912. You had issued a check on July 5, 1912, for $1,000 for your share, or 40 per cent; is that right?
Mr. HEIDENHEIMER. No, sir; that is not right.
The CHAIRMAN. What are the facts?
Mr. HEIDENHEIMER. I gave Mr. Horning the check for the $1,000, and that was in the account. That is a part of that settlement.
The CHAIRMAN. You were paying considerably ahead there, were you not?

Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. How is that?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. You were not?
Mr. HEIDENHEIMER. I do not think so.
The CHAIRMAN. You were paying considerably more than any of the others, were you not, at that time?
Mr. HEIDENHEIMER. They gave me their checks pro rata back for it at that time. I was laying the money out then.
The CHAIRMAN. You were financing the thing at that time?
Mr. HEIDENHEIMER. I was laying the money out.
The CHAIRMAN. You were putting it up and then they gave it back at the time of the settlement. Is that correct?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. How often did you have settlement?
Mr. HEIDENHEIMER. Just these two.
The CHAIRMAN. Just those two settlements? Those were the only settlements you ever had? Had any checks passed between you in the meantime before these settlements?
Mr. HEIDENHEIMER. Those were all the checks passed that I passed.
The CHAIRMAN. I know. Well, did you get any checks from Mr. Horning?
Mr. HEIDENHEIMER. I think I got a check for his settlement.
The CHAIRMAN. When?
Mr. HEIDENHEIMER. Around this date.
The CHAIRMAN. In August?
Mr. HEIDENHEIMER. I think so. I think Mr. Burnstine will introduce two checks that will verify that.
The CHAIRMAN. Why do you think Burnstine can do that?
Mr. HEIDENHEIMER. Because I asked him to look it up.
The CHAIRMAN. And he did look it up?
Mr. HEIDENHEIMER. His checks was in the bank yet.
The CHAIRMAN. He looked it up; he looked for his stub book, did he?
Mr. HEIDENHEIMER. Yes, sir; he kind of remembered it.
The CHAIRMAN. Did you have his stub book up there last night with you when you talked over this matter?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Did you have his checks?
Mr. HEIDENHEIMER. No, sir; the checks are in the bank yet.
The CHAIRMAN. He did not have his stub book there?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. But he kind of remembered it?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. Did he tell you about what dates?
Mr. HEIDENHEIMER. I did not look at the date; I saw the stubs.
The CHAIRMAN. You saw the stubs?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. When?
Mr. HEIDENHEIMER. About a week ago; maybe before he testified or after he testified—I believe right after his testimony, when he testified about the pro rata share.
The CHAIRMAN. And you, about the time of his testimony, saw his stubs, did you?

Mr. HEIDENHEIMER. Well, I wanted to find out if this could be verified with his stubs, you know.

The CHAIRMAN. And was it verified in that way?

Mr. HEIDENHEIMER. I never got the checks.

The CHAIRMAN. I know; but was it verified by the stubs?

Mr. HEIDENHEIMER. I did not have this with me then. I thought it was around about that.

The CHAIRMAN. How came you down there checking over Mr. Burnstine's stubs in regard to this matter?

Mr. HEIDENHEIMER. I asked him to look it up?

The CHAIRMAN. Why?

Mr. HEIDENHEIMER. Just to see if this amount was the amount expended, because I wanted to be positively sure about it.

The CHAIRMAN. When did you first see him after he testified here?

Mr. HEIDENHEIMER. The next day.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. The next day.

The CHAIRMAN. You did not see him that evening, did you?

Mr. HEIDENHEIMER. When did he testify, in the evening or during the day?

The CHAIRMAN. He testified in the afternoon, I think, and in the evening, too.

Mr. HEIDENHEIMER. No; I do not remember.

The CHAIRMAN. Were you here while he was testifying?

Mr. HEIDENHEIMER. No, sir; I am not sure. No; I do not think I was.

The CHAIRMAN. But you certainly must remember whether you were here while he was testifying or not, don't you? An incident like that could hardly be forgotten.

Mr. HEIDENHEIMER. One minute.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. I do not think I was there. I read his testimony the next day.

The CHAIRMAN. Where did you read it?

Mr. HEIDENHEIMER. In the newspapers.

The CHAIRMAN. In the newspapers? And then what was it you said to him when you went to see him? Did you talk about the stubs?

Mr. HEIDENHEIMER. I asked him if in the settlement if he made me a check, to Mr. Horning, or made it to me. He thought he made one to Mr. Horning and made one to me. So I told him he must be mistaken, that Mr. Horning must have turned that check over to me. I never found it. I never had time to get them. That is positively all the money that we expended. There is no question of that.

The CHAIRMAN. I understand that that is the aggregate, according to this statement. I am just trying to find out something about the details of it.

Mr. HEIDENHEIMER. That is what we paid.

The CHAIRMAN. Now, then, you say that Mr. Horning would report to you the amount expended. You were keeping the accounts; you were the cashier?

Mr. HEIDENHEIMER. Oh, for part of the time I was, and for part of the time he was.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. Part of the time I was and part of the time he was.

The CHAIRMAN. What part of the time were you keeping those accounts?

Mr. HEIDENHEIMER. Well, I do not exactly remember, but sometime he would telephone for me to send him down a couple of hundred dollars; that he had a couple of hundred dollars of markers against me, and I would send it to him and charge it.

The CHAIRMAN. And sometimes you would telephone him that you were a couple of hundred dollars out, and he would send it to you?

Mr. HEIDENHEIMER. I do not remember paying any money out except what I told you. I can not account for that $300. I do not know whether I gave it to Mr. Horning. I can not account for it.

The CHAIRMAN. But what I am interested in now is, Who was keeping the accounts?

Mr. HEIDENHEIMER. We both kept the accounts, in a way.

The CHAIRMAN. Did you both keep all of them—all the income and all the expenditures?

Mr. HEIDENHEIMER. He would lay out his money, a couple of hundred dollars, and send to me for it.

The CHAIRMAN. Well, would he send you at the same time a statement of what he had expended before?

Mr. HEIDENHEIMER. No, sir; just "send me down $200."

The CHAIRMAN. Would you lay out your money and send to him for it?

Mr. HEIDENHEIMER. No; I waited for the settlement. I didn't have any money to lay out.

The CHAIRMAN. You didn't have any money to lay out?

Mr. HEIDENHEIMER. I mean I didn't have any cause to lay out any money.

The CHAIRMAN. You did not have any cause to lay out any money? Mr. Heidenheimer, do you not know what every dollar was expended for that was raised by you three gentlemen in this matter?

Mr. HEIDENHEIMER. I know what——

The CHAIRMAN (interposing). Don't you know that?

Mr. HEIDENHEIMER. Where every dollar of that went?

The CHAIRMAN. Practically every dollar; yes.

Mr. HEIDENHEIMER. No, sir; I do not know where practically every dollar went; I could not tell you.

The CHAIRMAN. Well, do you know where everything except, say, $100 may have gone?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Do you not know the expenditures that were made other than the expenditures that you have already specifically pointed out?

Mr. HEIDENHEIMER. No.

The CHAIRMAN. Now, you have pointed out certain expenses here. Do you not know of other expenditures besides those?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. There was an expenditure to this firm, Tucker, Kenyon & Macfarland; an expenditure to Mr. Henry E. Davis; an expenditure to Mr. Schulteis; an expenditure to Mr. Sullivan; an expenditure to Mr. Hart—at least you say you understand he was

employed; there was an expenditure for printing the brief. Now, do you not know of some expenditures besides those?

Mr. HEIDENHEIMER. No; not a dollar.

The CHAIRMAN. Not a dollar?

Mr. HEIDENHEIMER. That I can recall.

The CHAIRMAN. What about this campaign fund?

Mr. HEIDENHEIMER. Well, I just did not think of that; that, too, went out.

The CHAIRMAN. You did not think of that, and that too should be included?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. And you think that was $500?

Mr. HEIDENHEIMER. Which? I do not know how much that was, except that I gave him a $200 check, and I do not know how much he gave to that fund.

The CHAIRMAN. And you do not know what that fund went to?

Mr. HEIDENHEIMER. I do not know whether it went to the national fund, or some private fund. I do not know what it went to. I did not pay much attention to it.

The CHAIRMAN. You did not inquire?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. What did Mr. Horning say to you when he came to you and asked you to contribute that $200?

Mr. HEIDENHEIMER. He said, "Let me have $200."

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. He asked me "Let me have $200." Whether he mentioned campaign fund or not I do not know. He might have told me afterwards.

The CHAIRMAN. Did he not tell you at the time what it was for?

Mr. HEIDENHEIMER. He might have mentioned what it was for, but I do not remember; and I did not stub it.

The CHAIRMAN. Any time he walks into your store and says, "Let me have $200" you let him have it?

Mr. HEIDENHEIMER. Yes, sir. Sure, any time.

The CHAIRMAN. Without making any inquiry at all about it?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. How many gentlemen do you treat that way? [Laughter.]

Mr. HEIDENHEIMER. Well, it all depends upon who they are.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. Well, it all depends upon who they are. I have people that can come to me and get a hundred or two hundred dollars—come to the firm and get it, without any interest.

The CHAIRMAN. Well, of course, that is a matter of a loan——

Mr. HEIDENHEIMER. Without any interest for it.

The CHAIRMAN. Well, of course that is a matter of loan.

Mr. HEIDENHEIMER. That is a matter of friendship.

The CHAIRMAN. But you understood at the time you gave him this $200, that it was not to be repaid, did you not?

Mr. HEIDENHEIMER. Yes, sir. I understood that it was to be used in the same cause the other money was spent.

The CHAIRMAN. It would be used in the same cause as the other money was for?

Mr. HEIDENHEIMER. That is——

The CHAIRMAN (interposing). That is, it would be a part of this fund. It was used, or was raised to be used, with regard to this legislation?

Mr. HEIDENHEIMER. On that order; yes, sir.

The CHAIRMAN. How is that?

Mr. HEIDENHEIMER. Yes, sir; at least, maybe, that was for the campaign fund. I did not ask him; but all those contributions, all the money I gave him then, was supposed to go to pay lawyers to interview different Members of Congress, and put our cause before them.

The CHAIRMAN. Including this $200?

Mr. HEIDENHEIMER. Well, if—I suppose if that would help, without doing anything wrong, it was supposed to be used for the same purpose. Not to go to anybody direct to influence them, but if that could give them an entrée to talk to some of the men, or lay the matter before them.

The CHAIRMAN. If putting up the $200 would give you an entrée to talk to somebody about the legislation, why that was all right; is that what you just stated? I did not catch it.

Mr. HEIDENHEIMER. Yes; that is what I just stated.

The CHAIRMAN. Mr. Russell, have you any questions?

Mr. RUSSELL. I would like to ask just one or two questions in order to get the matter clear in my mind. This first settlement that you made with reference to this transaction was the 30th day of August, 1912; that is right, is it not?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Then, at that time your statement shows the total amount that had been expended by all of you as $1,687.36, is that not right?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. And your checks that you offered in testimony to-day show that, prior to that time, and on that date together, you expended $1,293 of that money in checks; does it not?

Mr. HEIDENHEIMER. Will you give me the dates of those checks? I have kind of forgotten it.

Mr. RUSSELL. Well, you have got a check there of $1,000.

Mr. HEIDENHEIMER (examining paper). On July 5.

Mr. RUSSELL. April 12 you have got a check of $180; July 5, $1,000; and August 30, the day of the settlement, $113. That makes $1,293 you had paid in checks yourself, is that not right?

Mr. HEIDENHEIMER (examining paper). One second.

Mr. RUSSELL. Now, then you had also paid in cash $250—or in a check—to Mr. Tucker?

Mr. HEIDENHEIMER. A check. That was not in the $1,687, you know.

Mr. RUSSELL. It was not in the $1,687?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Do you mean to say that when you made your settlement on the 30th day of August, you did not charge your associates with this $250 that you had paid?

Mr. HEIDENHEIMER. No, sir; I only charged them with $1,687. I did not pay that check. I have stated here that each one sent me

a check; one sent me a check for $100 and one sent me a check for $50. I mean in my check for $250.

Mr. RUSSELL. You had paid $1,293 of the $1,687?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Well, do you not think that was a very liberal share of the $1,687 that you paid?

Mr. HEIDENHEIMER. Well, I got their checks back. I was laying the money out.

Mr. RUSSELL. When did you get it back?

Mr. HEIDENHEIMER. On the settlement.

Mr. RUSSELL. On the settlement, you say, you paid them money—the balance you owed them was $113. That is what I do not understand.

Mr. HEIDENHEIMER. What is the date of that settlement?

Mr. RUSSELL. August 30. That is what you have testified to, that you owed them a balance of $113; that was the amount required to pay the balance you owed on that date to square the account.

Mr. HEIDENHEIMER (examining paper). I had laid it nearly all out. I had laid it all out. With that $113 I had laid the entire amount out; spent up to that time.

Mr. RUSSELL. Well, if you had laid it all out up to that time, why did you have to give him $113 more to square the account?

Mr. HEIDENHEIMER. Not to square the account. When I telephoned to Mr. Horning if he had $113—see?——

Mr. RUSSELL. Yes.

Mr. HEIDENHEIMER (continuing). Charged, which he had paid out. So I did not carry him down the $113. One minute. I will explain that for you. So I took and put all the items down, and put the $113 in it—see?—and of course made a check payable to Mr. Horning and added it up, and prorated it.

Mr. RUSSELL. Well, then, did they give you on that date checks to you to balance the account?

Mr. HEIDENHEIMER. I think so.

Mr. RUSSELL. Well, do you know so?

Mr. HEIDENHEIMER. I am not positive, of course.

Mr. RUSSELL. Did you not state, as I understood, that Mr.——

Mr. HEIDENHEIMER (interposing). Burnstine. I think he has two checks.

Mr. RUSSELL. Mr. Burnstine, prior to that time, had already given a check to Mr. Horning?

Mr. HEIDENHEIMER. I think Mr. Horning must have indorsed that check over to me and turned it in to me. You know, the checks will talk for themselves when we get them.

Mr. RUSSELL. So that all the money was first paid to you?

Mr. HEIDENHEIMER. Yes.

Mr. RUSSELL. Well, then, you paid the attorneys, did you?

Mr. HEIDENHEIMER. Tucker, Kenyon & Macfarland; yes, I paid them.

Mr. RUSSELL. Well, you paid them $250?

Mr. HEIDENHEIMER. Yes; I have the stub of the check.

Mr. RUSSELL. You have the stub of the check?

Mr. HEIDENHEIMER. I could not find the check.

Mr. RUSSELL. You could not find it?

Mr. HEIDENHEIMER. The check I could not find.

Mr. RUSSELL. Well, you did not call the attention of the committee to the stub for that payment as I recall.

Mr. HEIDENHEIMER. It is here [examining book].

Mr. RUSSELL. That was not one of the four checks that you mentioned?

Mr. HEIDENHEIMER. Well, in the settlement——

Mr. RUSSELL (interposing). It was another check. Now, while you are looking for that, you testified, as I remember, that you paid Mr. Horning a lot of cash?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Well, I do not understand how you were paying the $1,293 in checks and a lot of cash, and then on the day of settlement you owed $113, and gave him a check for that. Can you explain how that was? You gave him, according to your testimony, in checks, $1,293. You paid $250 to Mr. Tucker. You gave a lot of cash to Mr. Horning——

Mr. HEIDENHEIMER (interposing). The $250 was not——

Mr. RUSSELL (continuing). And on the day of settlement you gave him $113 more?

Mr. HEIDENHEIMER. The $250 was not included in this.

Mr. RUSSELL. Was not included?

Mr. HEIDENHEIMER. No; it is only $1,687.36.

Mr. RUSSELL. And that did not include the $250?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. Well, then, you had expended on the date of the first settlement $1,687——

Mr. HEIDENHEIMER (interposing). $1,687.36.

Mr. RUSSELL. And $250 besides? Will you testify to that now?

Mr. HEIDENHEIMER. This $250—each mailed me the check. This $250 has nothing to do with that settlement at all.

Mr. RUSSELL. I want to get at exactly what had been expended. Your settlement shows, on the first settlement, you had expended $1,687.36?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Now, that did not include the $250?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. All right. Add that to it, and then, at that date, you had expended $1,937.36, had you not?

Mr. HEIDENHEIMER. Yes, sir. How much? $1,937.

Mr. RUSSELL. Well, if that was true, why did you in this account say, "Previous settlement $1,687"?

Mr. HEIDENHEIMER. That is what we had expended in the previous settlement. That was the first that we spent, in the previous settlement, in the first settlement. And I got a check, pro rata, from each of them, I think, or the cash. The $250 has nothing to do with it, and I can make it plainer.

Mr. RUSSELL. Do you know the date that you paid the $250?

Mr. HEIDENHEIMER. Yes, sir [examines book].

Mr. RUSSELL. All that I care to know is if you can tell me whether it was before that first settlement?

Mr. HEIDENHEIMER. Can you give me the date of that first receipt?

Mr. RUSSELL. August 30, 1912, is your first settlement. I want to know whether it was before that. You have got the receipt here, have you not?

Mr. STAFFORD. The letter is dated August 22, 1911.

Mr. RUSSELL. The receipt from Mr. Tucker will tell the story, will it not?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Well, I will ask you to look at that receipt and refresh your recollection.

Mr. STAFFORD. Perhaps we can aid the witness in that particular by calling his attention to the fact that, so far, he has not presented any stub books prior to December 8, 1911, whereas this receipt is dated July, 1911.

Mr. RUSSELL. This receipt is dated August 22.

Mr. STAFFORD. August 22?

Mr. RUSSELL. August 22, 1911, is the date of this Tucker receipt.

Mr. HEIDENHEIMER. Will you let me look over this book here [indicating book in witness's hand]?

Mr. CLINE. None of those stubs run back to 1911. These checks were all 1912.

Mr. HEIDENHEIMER. I have a check book here that I can look over, dating back to May 27, 1911. May 27, 1911, that runs to.

Mr. RUSSELL. You have not looked through that yet?

Mr. HEIDENHEIMER. Yes; I looked through it, No. 53000.

Mr. STAFFORD. Well, to when? Give us the date to which it runs.

Mr. HEIDENHEIMER (examining book). December 8, 1911.

Mr. RUSSELL. December 8, 1911?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. What check is that?

Mr. HEIDENHEIMER. I mean the book runs to that.

Mr. RUSSELL. Oh, yes.

Mr. HEIDENHEIMER. Here is a check No. 52700. We could not find the check. Here is the stub of it. I told you. That is it, $250. See? [Handing book to Mr. Russell.] It says, "Heidenheimer, 100; Horning, $100; Burnstine, $50."

Mr. RUSSELL. They paid you their share and you paid the whole amount, $250? Well, then, the fact is that at the time of that settlement on August 30, 1912, you had paid out $1,937.36 on this transaction?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. And up to that time not a single dollar had ever been paid to any attorney except Mr. Tucker?

Mr. HEIDENHEIMER. Up to which time?

Mr. RUSSELL. The time of the first settlement.

Mr. HEIDENHEIMER. I do not know who the money was paid to.

Mr. RUSSELL. Well, did you not testify this morning that these other lawyers were employed afterwards, after the bill was voted on in the House?

Mr. HEIDENHEIMER. Well, but there were other lawyers working on it.

Mr. RUSSELL. There were? Were there any besides those you have mentioned this morning?

Mr. HEIDENHEIMER. None that I know of.

Mr. RUSSELL. None that you know of. Well, did you not testify this morning that they were employed after the bill was voted on in the House, if at all—long after this first settlement?

Mr. HEIDENHEIMER. No. I do not know who was working on it.

Mr. RUSSELL. There may have been others at work on it?

Mr. HEIDENHEIMER. Yes; I do not know.

Mr. RUSSELL. You say these lawyers were employed for the purpose of interviewing Members of Congress?

Mr. HEIDENHEIMER. And laying the matter before them.

Mr. RUSSELL. Doing what?

Mr. HEIDENHEIMER. Laying the matter before them.

Mr. RUSSELL. Do you know whether they interviewed any Members of Congress?

Mr. HEIDENHEIMER. Not that I know of.

Mr. RUSSELL. Did Mr. Horning say that he interviewed any Members of Congress?

Mr. HEIDENHEIMER. Mr. Horning and myself interviewed several of them.

Mr. RUSSELL. Which of them did you interview?

Mr. HEIDENHEIMER. We interviewed Mr. Johnson.

Mr. RUSSELL. Where did you interview him?

Mr. HEIDENHEIMER. In his office.

Mr. RUSSELL. In his office?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. He was chairman of the District Committee, before which it was pending?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Were you all together when you interviewed him?

Mr. HEIDENHEIMER. I think just Mr. Horning and myself.

Mr. RUSSELL. Now, what others did you interview? What did Mr. Ben Johnson tell you at that time?

Mr. HEIDENHEIMER. We sat down and had an argument, and he told us not to hire anyone to further advance the bill, because it would be just throwing money away.

Mr. RUSSELL. Well, did you take his advice?

Mr. HEIDENHEIMER. No, sir.

Mr. RUSSELL. You did not take his advice? Now, what other Members of Congress did you interview?

Mr. HEIDENHEIMER. Members of Congress? I went to see Mr. Dyer.

Mr. RUSSELL. You went to see Mr. Dyer?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. He is a man who introduced one of the bills?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. What did he tell you?

Mr. HEIDENHEIMER. He thought that the rate here was too much that they were getting—this is how I am remembering it—he says they were getting 2 per cent in St. Louis, and he thought a little lower rate would work all right; and we talked about the population in different cities.

Mr. RUSSELL. He was very much in favor of the bill and told you so, did he not?

Mr. HEIDENHEIMER. How do you mean in favor of the bill?

Mr. RUSSELL. He was in favor of the bill that passed the House?
Mr. HEIDENHEIMER. Yes.
Mr. RUSSELL. And he told you so?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Did Mr. Johnson say he was in favor of it, too?
Mr. HEIDENHEIMER. Mr. Johnson said that—I had a book with me, Irvine on Pawnbroking, and he took the reference and said he would read it.
Mr. RUSSELL. Then, what other Members of Congress did you interview?
Mr. HEIDENHEIMER. I do not know of any others.
Mr. RUSSELL. You do not know of any other?
Mr. HEIDENHEIMER. That we discussed it with.
Mr. RUSSELL. Have you forgotten that you went to see Mr. McDermott?
Mr. HEIDENHEIMER. But I did not talk with him on the bill.
Mr. RUSSELL. Did not talk about the bill?
Mr. HEIDENHEIMER. I may have mentioned it to him casually.
Mr. RUSSELL. But you did go to see him twice?
Mr. HEIDENHEIMER. Yes, sir.
Mr. RUSSELL. Well, that is all.
Mr. HEIDENHEIMER. But he was not on the committee.
The CHAIRMAN. Mr. Johnson told you he was in favor of including the pawnbrokers in that bill, did he not?
Mr. HEIDENHEIMER. At that time; yes, sir.
The CHAIRMAN. Yes; and that it would be useless to bother him any more about it, did he not?
Mr. HEIDENHEIMER. No, sir. He did not say it would be useless.
The CHAIRMAN. With attorneys calling on him?
Mr. HEIDENHEIMER. No. Mr. Johnson had quite a conversation with us.
The CHAIRMAN. Of course, he treated you courteously. But he gave you to understand that he was in favor of that proposition, so far as he was concerned, of including pawnbrokers in that bill?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. And he gave you to understand that very clearly, did he not?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. And that, so far as he was concerned, it would be absolutely useless for you to expend money for attorneys to call around there arguing the question with him?
Mr. HEIDENHEIMER. Well, he thought it would be useless to spend any money on it. I do not remember the exact words he used.
The CHAIRMAN. But you left there with a very clear understanding that he was in favor of including the pawnbrokers in the bill?
Mr. HEIDENHEIMER. Well, he said he was going to take it into consideration—he was in favor of it.
Mr. CLINE. Have you discovered what you did with the $305 that you brought in with these people?
Mr. HEIDENHEIMER. No, sir. I can not reconcile that.
Mr. CLINE. Just one more question, Mr. Heidenheimer: The checks that you have produced are the four checks—the $100 that you contributed to the retainer fee and the $305——

Mr. HEIDENHEIMER (interposing). Well, sir, that ain't a check.

Mr. CLINE. I know; I did not say it was a check. And I say that $305 that you charged up the company with makes your contributions over $2,000, does it not, besides what money you handed out?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. Will you take your pencil and count it?

Mr. HEIDENHEIMER. This is the exact amount expended [indicating book in witness's hand].

Mr. CLINE. I do not care anything about that. Here are your checks. The first check was $180; the next was $1,000; the next, on the day of the first settlement, was $113 that you paid. The next check was $200, the amount that you charged to the company was $305, the money that you had advanced. You had also advanced $100 in the retainer fee, and you say you paid out on numerous occasions money that was not exhibited in a check—you just handed the cash out to Mr. Horning on several occasions when he came after it; as high as $200 at a time?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. And these checks amount, here—your contributions—to over $2,000, do they not, including the $305?

Mr. HEIDENHEIMER. Well, you have figured it; I suppose they do. But this was the exact amount that was expended on the bill—I can not tell how you figure it.

Mr. CLINE. That is all.

Mr. WILLIS. On October 31, 1912, you gave a check to Mr. Horning for $200. You have already referred to the stub there, and the check is thus introduced as evidence. Now, when you gave that check, Mr. Heidenheimer, did you understand for what purpose it was to be used?

Mr. HEIDENHEIMER. Some campaign purposes.

Mr. WILLIS. Some campaign purposes? You understood that you were making a campaign contribution?

Mr. HEIDENHEIMER. I was giving it to Mr. Horning; he was making the contribution.

Mr. WILLIS. Now, in your testimony this morning, you said that Mr. Horning had contributed $500 to the Democratic campaign fund. Now, is this $200 in addition to that, or is it your pro rata share of the $500 which the pawnbrokers were contributing?

Mr. HEIDENHEIMER. I think the pawnbrokers altogether were contributing that. I do not know how Mr. Horning fixed it.

Mr. WILLIS. This $500 was a contribution from you three?

Mr. HEIDENHEIMER. I don't know about the $200 there. I gave to Mr. Horning $200 and charged it to this account.

Mr. WILLIS. You understood that this was your pro rata share?

Mr. HEIDENHEIMER. No, not my pro rata share. That was my pro rata share of this account.

Mr. WILLIS. Well, I understood you to say a few minutes ago, in answer to a question by the Chairman, that you understood this $200 was to be used in the same cause as the other contribution. What did you mean by that statement?

Mr. HEIDENHEIMER. Well, I mean to interview Members of Congress and explain to them the side of the pawnbrokers. I figured that they were not very must interested whether the pawnbrokers

existed or not, and they had other business, and some one had to bring it to their attention. And we did not get the hearing. We had to put our cause out some way and neither the Senate nor the House granted us a hearing.

Mr. WILLIS. But what would the campaign contribution of $500 to the Democratic campaign fund have to do with interviewing Members of Congress or hiring attorneys?

Mr. HEIDENHEIMER. I supposed you would get intimate with them—intimately acquainted with them—and interested in the political party by giving it. I never—I did not give it. I gave it to Mr. Horning, and he gave it in his own name, I suppose.

Mr. WILLIS. But you regarded this campaign contribution as in the same cause as the other contributions you had made, namely, to enable you to defeat legislation; was that the object of it?

Mr. HEIDENHEIMER. I did not want to defeat it. I wanted to get the pawnbrokers exempted, if it was possible, by reasonable arguments.

Mr. WILLIS. That is what I mean; and you thought that the contribution to the campaign fund would enable you to produce reasonable argument?

Mr. HEIDENHEIMER. I did not give it, and it was not given in my name. It was given in Mr. Horning's name, and he contributed it.

Mr. WILLIS. Do you know whether he contributed to the congressional campaign fund or the national committee?

Mr. HEIDENHEIMER. I do not know which one he gave it to.

Mr. WILLIS. You do not know?

Mr. HEIDENHEIMER. No.

Mr. WILLIS. Now, one other question. If you desired to make a contribution to the campaign fund why did you make it through Mr. Horning? Was he a sort of collector? What was the object of that? Why didn't you make your contribution directly?

Mr. HEIDENHEIMER. This was—I was not interested in the campaign. Mr. Horning was interested in it.

Mr. WILLIS. Then you did not make the contribution because you were interested individually?

Mr. HEIDENHEIMER. No, sir.

Mr. WILLIS. Did you make the contribution because you were interested in this bill?

Mr. HEIDENHEIMER. Well, Mr. Horning made the contribution.

Mr. WILLIS. I understand that Mr. Horning, as a matter of fact, made the contribution, but you contributed your pro rata share on the theory that the money was to be used in the same cause, namely, to defeat this legislation. Was that the object?

Mr. HEIDENHEIMER. He has advised—I did not know how it was going to affect anything.

Mr. WILLIS. Would you have made any contribution had you no interest in it as an individual? Would you have contributed to any campaign fund as an individual?

Mr. HEIDENHEIMER. I might if some one was running that I was very much interested in.

Mr. WILLIS. I understod you to say that you did not belong to any political party?

Mr. HEIDENHEIMER. I have no vote, so what is the use of it?

Mr. WILLIS. I think that is all for the present, Mr. Chairman.

Mr. CLINE. Did you say you did not have one or two of the checks you have enumerated here?

Mr. HEIDENHEIMER. Two checks?

Mr. CLINE. Two checks. Are they out of this book [indicating]?

Mr. HEIDENHEIMER. No, sir; there is nothing in that book. I just brought it along because I thought it might be asked for.

Mr. CLINE. You have not got the checks in your pocket, have you?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. I see you had a couple of checks in your hand a minute ago there—in your inside pocket. I did not know but what those were the checks.

Mr. HEIDENHEIMER (producing some papers). The summons—a letter—pictures——

Mr. CLINE. They are not the checks?

Mr. HEIDENHEIMER. No, sir.

Mr. STAFFORD. How much cash prior to the first settlement did you advance to Mr. Horning?

Mr. HEIDENHEIMER. I do not remember. I could figure it out from the checks.

Mr. STAFFORD. How much cash after the first settlement did you advance?

Mr. HEIDENHEIMER. You would have to figure it out from the checks. Then you can figure it out and verify this from Mr. Burnstine's checks, and it would explain everything.

Mr. STAFFORD. Let me aid you, then, or attempt to aid you. There are only two checks that have been introduced—only one check that has been testified to by you as contributed by you and Mr. Horning after the first settlement, and that is the check of October 31, 1912, for a campaign contribution. How much cash did you contribute of this $1,700 prior to the final settlement?

Mr. HEIDENHEIMER. I will tell you how you—you can figure the cash by taking the amount of the checks. I really don't understand the question——

Mr. STAFFORD. I will make it clear to you then. You had one complete settlement of August 30, 1912, of which you claimed to have expended $1,687.36.

Mr. HEIDENHEIMER. How is that, sir?

Mr. STAFFORD. And you had a second settlement after the passage of the bill where the total amount expended after that date was $1,797. The only check you account for after the settlement of August 30, 1912, is the campaign contribution of $200. How much cash did you contribute to Mr. Horning after the first settlement?

Mr. HEIDENHEIMER. I do not understand—the way the cash can be figured out is to take the amount of checks and deduct from the total amount, and that is the amount of cash.

Mr. STAFFORD. Did you advance that amount of cash to Mr. Horning after the first settlement as would make the difference between the $200, the campaign contribution, and the total amount of $1,797, or $1,597?

Mr. HEIDENHEIMER. The only way I can answer that, the checks will show that; the others are cash.

Mr. STAFFORD. You contributed that difference to Mr. Horning prior to that last settlement?

Mr. HEIDENHEIMER. Yes, sir; I think so. These checks will verify this exactly.

Mr. STAFFORD. Do you recall where that first settlement took place?

Mr. HEIDENHEIMER. I might have went there to Mr. Horning's and got his check and to Mr. Burnstine's and got his.

Mr. STAFFORD. From your point of view according to the statement as I understand it, at that time you had this first settlement amounting to $1,687.36, the total expenditure up to that date. Thereupon, Mr. Horning contributed to you 40 per cent of that, or $674.94, and Mr. Burnstine contributed 20 per cent, or $337.47, am I right?

Mr. HEIDENHEIMER. You mean the first settlement?

Mr. STAFFORD. The first settlement, yes.

Mr. HEIDENHEIMER. Mr. Burnstine $359.40; Mr. Horning $718.80; and Mr. Heidenheimer $718.80.

Mr. STAFFORD. How did you receive that money? In the way of contributions?

Mr. HEIDENHEIMER. I think I got checks for it. I won't be sure, but I think it was.

Mr. STAFFORD. Mr. Burnstine gave you a check and Mr. Horning gave you a check?

Mr. HEIDENHEIMER. I think so.

Mr. STAFFORD. With how many banks do you do business?

Mr. HEIDENHEIMER. Three.

Mr. STAFFORD. And these checks represent the banks with which you do business? One, that of $1,000, the National Metropolitan; that of $118 the Merchants & Mechanics Savings Bank——

Mr. HEIDENHEIMER. That is the U. S. Trust Co. now.

Mr. STAFFORD. What other bank did you do business with besides these two?

Mr. HEIDENHEIMER. The Commercial.

Mr. WILLIS. One other question. This same check to which we referred a few minutes ago, Mr. Heidenheimer—the check of October 31, 1912—I understand has not been produced here. Can you tell us anything about that check? Where is that check?

Mr. HEIDENHEIMER. I did not look for it. I overlooked it here last night. I want to make this clear to you. What bank is that on?

Mr. WILLIS. October 31, 1912, $200.

(The witness here examined several check books on the stenographer's table.)

The CHAIRMAN. Mr. Heidenheimer, it is the check for $200, issued October 31, 1912, that Mr. Willis is asking you about.

Mr. HEIDENHEIMER. I am looking for it; I want to show it. It was not written plain; otherwise I would have brought it along.

(The witness here exhibited a check book to members of the committee.)

Mr. WILLIS. Will you make further search for that check and bring it?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. What bank is that on?

Mr. HEIDENHEIMER. United States Trust Co.

Mr. WILLIS. All right; bring that at the next hearing.

The CHAIRMAN. You may be excused for the present, Mr. Heidenheimer.

We will now call Mr. Horning.

STATEMENT OF MR. HENRY E. DAVIS.

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, I am attorney for Mr. Horning.

The CHAIRMAN. Your name is——

Mr. DAVIS. Henry E. Davis.

I have placed in the hands of the chairman a certificate from Mr. Horning's physician as to his physical condition, and ask that he be excused from being examined until day after to-morrow. The certificate speaks for itself. Mr. Horning is afflicted with partial deafness, which at times increases, and at the present moment, as the doctor certifies, he is suffering in a way which makes it impossible for him to hear, and he would be a more than unsatisfactory witness to-day. He is here at the convenience of the committee, but I ask you to indulge him.

The CHAIRMAN. Is he suffering any physical pain?

Mr. DAVIS. No; but he can not hear. He is not suffering any physical pain except such as is incident to a cold in the head. You may take my assurance of that, because I have been endeavoring to talk to him all the afternoon. He is here and you can see for yourselves.

Mr. WILLIS. Would there be an objection to his going on the stand? The chairman has a remarkably strong voice. I think the chairman can make him hear. If Mr. Horning were suffering any physical pain——

Mr. DAVIS. I assure you you will dismiss him in a very few minutes. He is really incapable of submitting to examination to-day, because he can not hear sufficiently for that purpose. He does not desire at all to delay this examination, but it would be a great injustice to him and very unsatisfactory to the committee should he be required to testify.

The CHAIRMAN. If he is not suffering any physical pain the committee would be glad to have him take the stand for a few minutes.

TESTIMONY OF MR. GEORGE D. HORNING.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. HORNING. George D. Horning.

The CHAIRMAN. And your age.

Mr. HORNING. Forty-three.

The CHAIRMAN. And your residence?

Mr. HORNING. Washington, D. C.

The CHAIRMAN. What place in Washington?

Mr. HORNING. The place of business or home address?

The CHAIRMAN. Home address?

Mr. HORNING. 1930 Seventeenth Street.

The CHAIRMAN. And where is your place of business, Mr. Horning?

Mr. HORNING. I beg pardon.

The CHAIRMAN. Where is your place of business?
Mr. HORNING. At the present time?
The CHAIRMAN. Yes.
Mr. HORNING. I am working under a Virginia license.
The CHAIRMAN. But where is your place of business located?
Mr. HORNING. At the south end of the Highway Bridge, Virginia.
The CHAIRMAN. You have a place of business in the city also?
Mr. HORNING. I beg pardon.
The CHAIRMAN. You have a place of business in the city also?
Mr. HORNING. I have—a storehouse.
The CHAIRMAN. How long have you been in business, Mr. Horning, in the city of Washington?
Mr. HORNING. Do I carry on the business in Washington?
The CHAIRMAN. I say, how long have you been in business in Washington?
Mr. HORNING. About 20 years.
The CHAIRMAN. What is your business?
Mr. HORNING. Broker.
The CHAIRMAN. What character of broker?
Mr. HORNING. Note broker and a pawnbroker.
The CHAIRMAN. Where do you carry on your pawnbroker business?
Mr. HORNING. In Virginia.
The CHAIRMAN. And where do you carry on your note-broker business?
Mr. HORNING. In Virginia.
The CHAIRMAN. All of your business is being done in Virginia?
Mr. HORNING. At the present time; yes, sir.
The CHAIRMAN. How long have you been doing business in Virginia?
Mr. HORNING. Since April 21, if I remember correctly.
The CHAIRMAN. When?
Mr. HORNING. April 21.
The CHAIRMAN. Prior to that time?
Mr. HORNING. At the corner of Ninth and D, NW.
The CHAIRMAN. In this city?
Mr. HORNING. Yes, sir.
The CHAIRMAN. Mr. Horning, do you remember a bill that was introduced affecting the loaning business?
Mr. HORNING. I beg pardon.
The CHAIRMAN. Do you remember a bill that was introduced in Congress affecting the loaning business in the city of Washington and in the District of Columbia?
Mr. HORNING. I did not get that.
The CHAIRMAN. Do you remember when a bill, known generally as a "loan-shark bill," was introduced?
Mr. HORNING. Oh, yes; I remember that.
The CHAIRMAN. When was that?
Mr. HORNING. I think—the bill with the pawnshop attached to it, or otherwise?
The CHAIRMAN. I mean the loan-shark bill; when was it introduced?
Mr. HORNING. I am trying to ascertain; do you mean at the time the pawnbrokers were put on the bill or otherwise?

The CHAIRMAN. I am asking you if you remember when that bill, commonly known as the loan-shark bill, was introduced in the House of Representatives.

Mr. HORNING. There have been a number of them. However——

The CHAIRMAN. Do you remember when the first was introduced?

Mr. HORNING. No; I do not.

The CHAIRMAN. Do you remember when the first bill was introduced in Congress that included the pawnbrokers?

Mr. HORNING. I should think six or seven years ago; probably longer. I do not know.

The CHAIRMAN. And bills including pawnbrokers have been introduced constantly since that time?

Mr. HORNING. If I understand you correctly, the time the Dyer bill was introduced?

The CHAIRMAN. Well, I was not asking especially about the Dyer bill, but do you remember when that bill was introduced—the Dyer bill?

Mr. HORNING. I think that was in August, 1911, if I remember correctly.

The CHAIRMAN. That the Dyer bill was introduced?

Mr. HORNING. I think so.

The CHAIRMAN. Or that it was reported out of committee? Which do you mean?

Mr. HORNING. I think the committee reported the Dyer bill in August, 1911. That is my recollection.

The CHAIRMAN. In August, 1911?

Mr. HORNING. 1911 is my recollection.

The CHAIRMAN. Do you remember when a bill was introduced by Mr. Samuel W. Smith, of Michigan?

Mr. HORNING. Yes, sir.

The CHAIRMAN. When was that?

Mr. HORNING. I do not know; that was in 1909 or 1910.

The CHAIRMAN. That included the pawnbrokers, didn't it?

Mr. HORNING. No, sir; it did not.

The CHAIRMAN. That bill did not include the pawnbrokers?

Mr. HORNING. No, sir; it did not.

The CHAIRMAN. When did you first begin to take an interest in this legislation?

Mr. HORNING. I think it was in 1911.

The CHAIRMAN. What time in 1911?

Mr. HORNING. I should judge the early part of 1911.

The CHAIRMAN. About what month; do you remember?

Mr. HORNING. Oh, not correctly, I could not; but, however, I should say in the first part of 1911.

The CHAIRMAN. The first part of 1911?

Mr. HORNING. Yes, sir.

The CHAIRMAN. January or February?

Mr. HORNING. I had nothing to attract my attention particularly to that, but, however, the first part of 1911, I should judge.

The CHAIRMAN. Do you remember what particular thing caused you to take an interest in it at that time, Mr. Horning?

Mr. HORNING. Well, the bill was reported as a 2 per cent bill, and I knew I could not maintain a business with the 2 per cent clause in there.

The CHAIRMAN. Do you remember when that bill was reported?
Mr. HORNING. Well, I can not say that I do.
The CHAIRMAN. You mean reported from where?
Mr. HORNING. I beg pardon.
The CHAIRMAN. Reported from where? When you say "reported"——
Mr. HORNING. It was reported to the House; from the District Committee, if I remember correctly.
The CHAIRMAN. You remember when it was reported?
Mr. HORNING. I beg pardon.
The CHAIRMAN. Do you remember when it was reported?
Mr. HORNING. No; I do not.
The CHAIRMAN. You say you began to take an interest in it in the early part of 1911?
Mr. HORNING. I think that is correct.
The CHAIRMAN. What interest did you take in it?
Mr. HORNING. I beg pardon.
The CHAIRMAN. What interest did you take in it?
Mr. HORNING. Well, I called on some Members of Congress.
The CHAIRMAN. Whom did you call on?
Mr. HORNING. I can not recall back to the early part of 1911 exactly whom I called on. However, I have some recollection.
The CHAIRMAN. Who was the first person you remember, the first Member of Congress that you remember calling on in regard to this matter?
Mr. HORNING. I think the first Member under the Dyer bill was Mr. Dyer. I do not know whether I called on Representative Dyer first or Representative Johnson first. I do not know that.
The CHAIRMAN. When did you call upon these gentlemen?
Mr. HORNING. In their office.
The CHAIRMAN. Did you ever talk with any Member of Congress before you called on them at their offices?
Mr. HORNING. I could not say positively whether I talked to others first or afterwards. I am not sure of that.
The CHAIRMAN. Whom else did you call on?
Mr. HORNING. I talked to Congressman Kahn, Representative McDermott, Representative Buchanan, Representative Cary, Representative Rothermel, Mr. Adair—probably half a dozen more; I do not know.
The CHAIRMAN. Were they members of the House Committee on the District of Columbia?
Mr. HORNING. Well, Representatives Johnson, Adair, and Dyer were on the conference committee.
The CHAIRMAN. Was Representative Rothermel a member of that committee?
Mr. HORNING. Yes, sir.
The CHAIRMAN. Of the District Committee?
Mr. HORNING. Yes.
The CHAIRMAN. But not a member of the conference committee?
Mr. HORNING. No.
The CHAIRMAN. Mr. Horning, when did you first discuss this legislation with other pawnbrokers in the city of Washington?
Mr. HORNING. When did I do what?

The CHAIRMAN. When did you first discuss this legislation with other pawnbrokers in the city of Washington, if you ever did discuss it with them?

Mr. HORNING. That was the time of the Dyer bill. My recollection is it was August, 1911.

The CHAIRMAN. You do not think you discussed it with any of them prior to August, 1911?

Mr. HORNING. Not until the Dyer bill. The Dyer bill, as I term it, had the pawnbrokers attached to it this first time.

The CHAIRMAN. But you had begun to take an interest in the bill in the early part of 1911, as I remember, and had talked with Members of Congress about it prior to that time?

Mr. HORNING. That is right.

The CHAIRMAN. Had you never discussed it with any of the pawnbrokers prior to that time, prior to August, 1911?

Mr. HORNING. Yes.

The CHAIRMAN. With whom?

Mr. HORNING. With Mr. Heidenheimer—oh, prior to 1911?

The CHAIRMAN. Prior to August, 1911.

Mr. HORNING. Yes; I talked with Mr. Heidenheimer, Mr. Burnstine, Mr. Fulton, Mr. Singleton, Mr. Abrahams; in fact, all the pawnbrokers in the city, I believe, with the exception of one house.

The CHAIRMAN. Who was the first one you called on of these?

Mr. HORNING. I would not want to swear to that.

The CHAIRMAN. Well, give your best recollection about it.

Mr. HORNING. It would be very hard for me to answer that. However, I would assume that I talked with Mr. Heidenheimer or Mr. Burnstine first; I do not know which.

The CHAIRMAN. Why do you think you talked with one of them first?

Mr. HORNING. I have no particular reasons of thinking that; but, however, I think that is the fact.

The CHAIRMAN. You were doing a very large percentage of the business of the city, were you not?

Mr. HORNING. How?

The CHAIRMAN. You were doing a very large percentage of the pawnbroker business of the city, were you not?

Mr. HORNING. I will not admit that; I was doing my share, however.

The CHAIRMAN. Well, Mr. Heidenheimer was doing a share also, a good share, was he not?

Mr. HORNING. That is right, sir.

The CHAIRMAN. And Mr. Burnstine next?

Mr. HORNING. No.

The CHAIRMAN. Who was next?

Mr. HORNING. I would assume Mr. Fulton was.

The CHAIRMAN. That he was next?

Mr. HORNING. I would assume that Mr. Fulton was ahead of me and ahead of Mr. Heidenheimer.

The CHAIRMAN. Doing a larger business than either of you?

Mr. HORNING. That is my opinion; I could not swear to that fact, however.

The CHAIRMAN. Now, do you remember about what time you first discussed this matter with Mr. Heidenheimer?

Mr. HORNING. No; I can not. I think what induced me to do that, after having a conference with the Monday Evening Club, which consisted of the Rev. Dr. Van Schaick, Mr. Siddons, and others, about that bill, I took it for granted from their information that they considered 2 per cent was sufficient for money lenders. However, they were not in favor of the pawnbrokers. I asked them that question, and they told me no. For some reason I presumed that there was an attitude with some of the members I talked to that 2 per cent was sufficient for the pawnbrokers, and I predicted to the other brokers that it looked to me as if there was going to be a 2 per cent bill and the pawnbrokers were going to be included. In other words, I predicted that before the passage of that bill—simply my opinion of the way I saw the situation.

The CHAIRMAN. What is this Monday Evening Club you speak of?

Mr. HORNING. I beg pardon.

The CHAIRMAN. What is this Monday Evening Club that you speak of? What is that?

Mr. HORNING. That is simply a reformers' organization, as I would term it; I do not know how else.

The CHAIRMAN. Are you a member of it?

Mr. HORNING. No, sir; I am not a member of it. They take up all the important questions and discuss them in their meetings, and so forth. The Monday Evening Club, if I remember correctly, was instrumental in having this bill originally introduced.

The CHAIRMAN. Now, do you remember about when you first took it up with the Monday Evening Club or heard of it?

Mr. HORNING. I think they were the originators of the proposition.

The CHAIRMAN. Did you attend a meeting of the Monday Evening Club?

Mr. HORNING. No, sir.

The CHAIRMAN. I thought you said a moment ago you discussed it—oh, you said you discussed it with members of the Monday Evening Club?

Mr. HORNING. Oh, I went to see Dr. Van Schaick, I think, on several occasions, and we talked on this proposition to other parties.

The CHAIRMAN. Do you remember about when it was you called on Dr. Van Schaick?

Mr. HORNING. No; I can't say that. I have nothing to lead me to say what time it was. I don't know whether I talked with two or three or half a dozen of the members; I can not say. I know I talked with Dr. Van Schaick, Mr. Siddons, Mr. Wilson, the secretary of the Board of Charities, and other members.

The CHAIRMAN. When did you first begin to take steps to try to prevent the inclusion of the pawnbrokers in the bill?

Mr. HORNING. I don't get that.

The CHAIRMAN. When did you first begin to take steps to try to prevent the including of the pawnbrokers in the loan-shark bill?

Mr. HORNING. I don't know that I ever attempted to prevent it. I have never done that, to my knowledge.

The CHAIRMAN. What were you talking to the Members of Congress about?

Mr. HORNING. How unjust it was, and how absurd it was to think we could do business at 2 per cent.

The CHAIRMAN. But you were not trying to prevent being included in the bill?

Mr. HORNING. No; but to convince them we could not do it. I explained that to them, and it was my attitude.

The CHAIRMAN. When did you begin to do that?

Mr. HORNING. As I stated a moment ago, I think that was in 1911.

The CHAIRMAN. You never made any effort to prevent the pawnbrokers being included?

Mr. HORNING. Only as I have stated before, that I considered it unjust to think that we could do business at 2 per cent, and explained to Members of Congress in my opinion that a majority of the business houses that were doing business would have to discontinue business if the bill became a law at 2 per cent.

The CHAIRMAN. You never hired any attorneys to represent you?

Mr. HORNING. Oh, yes.

The CHAIRMAN. You did?

Mr. HORNING. Yes; on numerous occasions.

The CHAIRMAN. Now, just tell us about that.

Mr. HORNING. We had Mr. Tucker on one occasion—the firm of Tucker, Kenyon & Macfarland—to attempt to present our arguments to the District Committee. However, in my opinion, it looked to me as if each and every member of that committee had made up his opinion, and it did not look to me as if they paid much attention to Mr. Tucker. It looked to me as if nobody paid any attention to the arguments of Mr. Tucker from what—they probably gave him 10 minutes conversation, or 10 minutes argument, and I recollect they promised him a longer hearing before acting on that bill. However, he was never extended that hearing.

The CHAIRMAN. How much did you pay Mr. Tucker?

Mr. HORNING. Beg pardon?

The CHAIRMAN. How much did you pay Mr. Tucker?

Mr. HORNING. Mr. Tucker received in cash $350, all told.

The CHAIRMAN. Whom else did you employ?

Mr. HORNING. Sir?

The CHAIRMAN. Whom else did you employ?

Mr. HORNING. I did not get it.

The CHAIRMAN. What other attorneys did you employ?

Mr. HORNING. That was the firm of Tucker, Kenyon & Macfarland.

The CHAIRMAN. I understand. Now, what other attorneys did you employ?

Mr. HORNING. Mr. Henry E. Davis.

The CHAIRMAN. At what time did you employ Mr. Davis?

Mr. HORNING. I think that was in the last part of—after the bill went in conference, or about the time the bill went into conference——

The CHAIRMAN. What was Mr. Davis to do?

Mr. HORNING. I don't get the correct meaning of that.

The CHAIRMAN. Read the question.

The STENOGRAPHER (reading):

What was Mr. Davis to do?

Mr. HORNING. I can not hear you any better than I can the other gentleman.

The CHAIRMAN. What was Mr. Davis to do?

Mr. HORNING. Why, Mr. Davis called on different Members of the House of Congress and attempted to explain to them how unjust that bill was and to see if it could not be brought out of conference so he might enlighten the members of the committee further on that. He also went to the Senate and saw the Members, in the hope that the bill could be brought back into the House and properly put before the House.

The CHAIRMAN. Do you remember about the date of Mr. Davis's employment?

Mr. HORNING. No; I can not remember.

The CHAIRMAN. Well, go ahead. What else was he to do?

Mr. HORNING. The central labor organization had taken our matter up, and, my recollection is, they appointed a committee to investigate the loan-shark bill, particularly the pawnshop end. They called on me and had quite a discussion, and I offered to show them my books and things of that kind, to show them where I had—I had informed them or shown them, I don't know which now—the affidavits of different people in the business, showing that in the loans 73 per cent of the loans were $5 and under. The total average loan, taking each and every pawnbroker of the city, was $6.22. I think I went into this discussion with them.

The CHAIRMAN. I know, but I was asking you about what else Mr. Davis was to do.

Mr. HORNING. Oh, Mr. Davis had written President Taft a letter requesting to be heard on this bill before the signing and making the bill become constitutional.

The CHAIRMAN. How much did you pay Mr. Davis?

Mr. HORNING. I paid Mr. Davis $2,000.

The CHAIRMAN. That was the total amount that he received?

Mr. HORNING. Yes, sir.

The CHAIRMAN. What other attorneys did you employ?

Mr. HORNING. Well, Mr. Davis was looking after the interests of that. After Mr. Tucker—Mr. Tucker was first, and Mr. Davis was second.

The CHAIRMAN. Yes; and who else? Did you employ any other attorneys?

Mr. HORNING. No; no other attorneys. The case was in Mr. Davis's hands.

The CHAIRMAN. Was Mr. Schulteis ever employed?

Mr. HORNING. Not as I—I don't think Mr. Schulteis was an attorney. Mr. Schulteis wasn't an attorney. [Laughter.]

The CHAIRMAN. Well, was he employed?

Mr. HORNING. Yes.

The CHAIRMAN. By whom?

Mr. HORNING. I talked with Mr. Schulteis.

The CHAIRMAN. Did you employ him?

Mr. HORNING. I guess you would consider that employing him; yes, sir.

The CHAIRMAN. Did you pay him?

Mr. HORNING. Yes, sir.

The CHAIRMAN. How much?

Mr. HORNING. My recollection is I paid Mr. Schulteis $200 and loaned him $100.

The CHAIRMAN. Did you get that $100 back?

Mr. HORNING. No; that makes a total of $300. [Laughter.]

The CHAIRMAN. What was he to do?

Mr. HORNING. Well, he was to meet different Representatives to explain the situation in the manner that I had put it to him, that if this bill should become a law we would all have to go out of business. It was impossible to do business at that rate.

The CHAIRMAN. About when did you employ Mr. Schulteis?

Mr. HORNING. I think it was in 1912, some time, the latter part of 1912, if I remember correctly.

The CHAIRMAN. Where was the bill at that time?

Mr. HORNING. I can not recall that.

The CHAIRMAN. You do not remember what its status was at that time, whether it was in conference——

Mr. HORNING. No; it was before conference. I think it was before the conference, before it went into conference.

The CHAIRMAN. Before the final report of the conference committee?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Was it while it was in conference?

Mr. HORNING. Beg pardon?

The CHAIRMAN. Was it during the time it was in conference between the committees of the two Houses?

Mr. HORNING. No; it was a long time before it went to conference that Mr. Schulteis was employed.

The CHAIRMAN. You say he was to see different Members of Congress to explain to them the impossibility of your doing business upon a 2 per cent basis? Is that correct?

Mr. HORNING. That is right.

The CHAIRMAN. Who is Mr. Schulteis?

Mr. HORNING. I do not know a great deal about Mr. Schulteis.

The CHAIRMAN. Is he an attorney?

Mr. HORNING. Well, I could not really say. He was introduced to me by Mr. Heidenheimer. I don't know whether he is an attorney, but I assume he is an attorney. I could not say that positively. I believe he is supposed to be an attorney.

The CHAIRMAN. Did Mr. Heidenheimer suggest that you employ Mr. Schulteis?

Mr. HORNING. He was introduced to me by Mr. Heidenheimer or Mr. Burnstine, I could not say which.

The CHAIRMAN. Did either of those gentlemen, whoever presented him to you, suggest he be employed?

Mr. HORNING. They told me Mr. Schulteis, some 20-odd years ago, had represented the pawnbrokers in Congress, and they considered him capable and for me to give him consideration.

The CHAIRMAN. Well, you gave him consideration?

Mr. HORNING. Yes, sir.

The CHAIRMAN. And employed him?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Do you know what he did?

Mr. HORNING. I have not the faintest idea.

The CHAIRMAN. Do you know whether he did anything?

Mr. HORNING. He told me he saw Members of Congress and explained it to them—explained the situation to them.

The CHAIRMAN. When did you pay him? In advance, or after the rendition of his service?

Mr. HORNING. Well, he got that at different times.

The CHAIRMAN. How much at a time?

Mr. HORNING. I think it was $100 once and probably there was $50 on two occasions, or $100, I don't know that I can say which; I don't know.

The CHAIRMAN. Did you employ a Mr. Sullivan?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Who is Mr. Sullivan?

Mr. HORNING. Mr. Sullivan is an attorney.

The CHAIRMAN. He is an attorney?

Mr. HORNING. That is my opinion, sir.

The CHAIRMAN. Under what circumstances did you employ Mr. Sullivan?

Mr. HORNING. Well, Mr. Sullivan was recommended to me by Mr. Davis. Mr. Davis can tell you more about Mr. Sullivan than I can. I don't know much about Mr. Sullivan.

The CHAIRMAN. Mr. Davis suggested to you that you employ Mr. Sullivan?

Mr. HORNING. That I employ him.

The CHAIRMAN. Yes.

Mr. HORNING. I paid him some money, and Mr. Davis had recommended him and told me what he wanted done. I consented to him, and if you call that employing him, why I employed him.

The CHAIRMAN. Well, you paid him for it?

Mr. HORNING. Yes; I paid him.

The CHAIRMAN. How much did you pay him?

Mr. HORNING. I think I paid him $200.

The CHAIRMAN. Do you know whether he was paid by anyone else anything for this work?

Mr. HORNING. I can not get that.

Mr. CHAIRMAN. Read the question.

The STENOGRAPHER (reading):

Do you know whether he was paid by anyone else anything for this work?

Mr. HORNING. I can not get that.

The CHAIRMAN. Do you know whether he was paid by anyone else anything for this work?

Mr. HORNING. Who is that; Mr. Sullivan?

The CHAIRMAN. Yes.

Mr. HORNING. He was not paid by anyone else.

The CHAIRMAN. You paid him all he was paid?

Mr. HORNING. Yes.

The CHAIRMAN. What did he do?

Mr. HORNING. He saw some Members of Congress and asked them if they were familiar with that loan-shark bill, especially the features concerning the pawnbrokers, and if so he would like them to be fair, honest, and just, and to be in the House and vote according to his opinion—such a conversation as that.

The CHAIRMAN. Do you know what Members he saw?

Mr. HORNING. I do not, sir.

The CHAIRMAN. Was he paid that in addition to the amount paid Mr. Davis, or did Mr. Davis pay him out of that $2,000?

Mr. HORNING. No, sir; Mr. Davis did not.

The CHAIRMAN. You paid him in addition to that?

Mr. HORNING. I paid him myself.

The CHAIRMAN. Whom else did you employ?

Mr. HORNING. A Mr. Hart.

The CHAIRMAN. Who is Mr. Hart?

Mr. HORNING. Well, I am sorry to say I do not know very much about Mr. Hart. Mr. Davis knows more about him than I do.

The CHAIRMAN. Who recommended Mr. Hart to you?

Mr. HORNING. Mr. Davis did. Mr. Davis got him for me, sent for him.

The CHAIRMAN. Does Mr. Hart live here in the city?

Mr. HORNING. Oh, yes.

The CHAIRMAN. In the District of Columbia?

Mr. HORNING. Yes; I think the gentleman's name is William Hart. I am not certain of the first name. They call him Bill Hart. [Laughter.]

The CHAIRMAN. What was he to do?

Mr. HORNING. The same capacity as Mr. Sullivan.

The CHAIRMAN. To see Members of Congress and argue the bill with them?

Mr. HORNING. Yes. Mr. Sullivan and Mr. Hart had both gone over the bill with me, and I think I convinced them conclusively, when I was talking to them, that if that bill became a law, I and all others would have to discontinue business. I think both Sullivan and Hart realized the fact that we would have to discontinue business.

The CHAIRMAN. When was Mr. Hart employed? About what time?

Mr. HORNING. It was very late, very late.

The CHAIRMAN. Do you remember about the month and year?

Mr. HORNING. Oh, I should say something within 30 days of the time of the passage of the bill. I may not be correct on that, but that is my belief; within that time.

The CHAIRMAN. Do you remember when Mr. Sullivan was employed?

Mr. HORNING. About the same time.

The CHAIRMAN. About the same time as Mr. Hart was employed?

Mr. HORNING. About the same time.

The CHAIRMAN. Mr. Sullivan was employed about the same time as Mr. Hart? Is that correct?

Mr. HORNING. About; yes, sir.

The CHAIRMAN. And Mr. Schulteis was employed about that same time, was he?

Mr. HORNING. Oh, no. Mr. Schulteis was employed away in advance of that.

The CHAIRMAN. But neither Mr. Schulteis, Mr. Hart, nor Mr. Sullivan were to render what you would call legal services, were they?

Mr. HORNING. They were to present our views to what Members they could in a proper light, so they could vote intelligently on this bill when it came up on the floor of the House.

The CHAIRMAN. Where did you get the money to pay these gentlemen?

Mr. HORNING. We contributed to that.
The CHAIRMAN. How is that?
Mr. HORNING. We contributed to that.
The CHAIRMAN. You say "we." Who do you mean by "we"?
Mr. HORNING. Mr. Burnstine, Mr. Heidenheimer, and myself.
The CHAIRMAN. Did you three gentlemen pay all that was paid?
Mr. HORNING. Absolutely.
The CHAIRMAN. You got no contributions from any other source?
Mr. HORNING. None whatever, sir.
The CHAIRMAN. Did you visit the city of New York once in regard to this matter?
Mr. HORNING. Yes, sir.
The CHAIRMAN. When?
Mr. HORNING. Well, I was there on two occasions.
The CHAIRMAN. In regard to this matter?
Mr. HORNING. Yes.
The CHAIRMAN. What occasions were those?
Mr. HORNING. Well, I don't know the exact time on that, at all.
The CHAIRMAN. I beg your pardon.
Mr. HORNING. I have no recollection of knowing what time I went especially for that.
The CHAIRMAN. Do you remember about the time? Can you approximate the time?
Mr. HORNING. No; I can not.
The CHAIRMAN. Was it in 1911?
Mr. HORNING. Oh, yes; it was in 1911.
The CHAIRMAN. In the early part or the latter part of 1911?
Mr. HORNING. Well, I would not want to commit myself on the time. I don't know the time. I know it was 1911, though.
The CHAIRMAN. Yes. Whom did you see there?
Mr. HORNING. Well, I saw a couple of parties there.
The CHAIRMAN. All right; who were they?
Mr. HORNING. How?
The CHAIRMAN. Who were they?
Mr. HORNING. I saw a Mr. Moss, a jeweler on Maiden Lane, a personal friend of mine, and went there by his invitation to see a party, to see if he could assist me.
The CHAIRMAN. You mean you went there by Mr. Moss's invitation?
Mr. HORNING. No. Not by his invitation; by his direction. He felt as if he could introduce me to some people who could be of assistance to me.
The CHAIRMAN. Did he introduce you to some people?
Mr. HORNING. Yes, sir.
The CHAIRMAN. To whom did he introduce you?
Mr. HORNING. I could not recall the gentleman's name. I do not remember that any more. He took me in an office building, in the city office works, in the city office, I would assume the same as our municipal building, where they collect taxes, etc.
The CHAIRMAN. What interest did Mr. Moss have in this matter?
Mr. HORNING. What?
The CHAIRMAN. What interest did Mr. Moss have in this legislation?

Mr. HORNING. He had no interest in it whatever, only as I told you, he felt reasonably sure if this bill became effective I would have to discontinue business; that is all.

The CHAIRMAN. And he carried you into what you call the municipal building and introduced you to some gentlemen?

Mr. HORNING. No; I didn't say that was the municipal building. I don't know. I say the place where he took me was connected with the Government, I supposed, but I don't remember. I assume it was the same as our building here where we pay taxes, and things of that kind.

The CHAIRMAN. And you do not remember the name of the gentleman to whom he introduced you?

Mr. HORNING. No. I was introduced to him——

The CHAIRMAN. Did you talk with him?

Mr. HORNING. Oh, yes; I talked with him.

The CHAIRMAN. What was the substance of that talk, Mr. Horning?

Mr. HORNING. Mr. Moss told me that this gentleman was a member of the Tammany Hall, and if he would take any interest in this bill of ours, he would write on to Members of Congress here who were connected in New York to see if I would not get a proper hearing. I have always contended I have not been treated right by the committee before Congress, in a proper and fair way, and I always felt that way and still feel that way, and I told him just exactly how I was treated, how the District Committee had treated our side of the case. They did not give us any consideration whatever. The other side they gave all the time that was necessary.

The CHAIRMAN. Did this unnamed gentleman evince an interest in the matter?

Mr. HORNING. How?

The CHAIRMAN. Did this gentleman to whom you were introduced evince an interest in the matter, or show any interest in the matter?

Mr. HORNING. No. He was very interested in it, and I explained everything to him, but he said there was nothing he could do; that he would not want to do anything of that kind. He said he was very sorry, but it was out of his way, and he refused to mix in with it.

The CHAIRMAN. He refused to have anything to do with it?

Mr. HORNING. Yes, sir. He said he could not bring Tammany into anything like that. [Laughter.] He said the members of Tammany Hall would not want to mix up in anything like that. He was very nice to me, but he was very frank and told me he would not fool with it.

The CHAIRMAN. That ended the matter?

Mr. HORNING. Yes.

The CHAIRMAN. Who else did you go to see there? You say you met two parties.

Mr. HORNING. I called on Mr. McDermott.

The CHAIRMAN. Which Mr. McDermott.

Mr. HORNING. Mr. John McDermott.

The CHAIRMAN. Not Representative McDermott?

Mr. HORNING. Beg pardon.

The CHAIRMAN. You are not referring now to Representative McDermott.

Mr. HORNING. No; to a relative of his.
The CHAIRMAN. A relative of his?
Mr. HORNING. Cousins, I believe.
The CHAIRMAN. All right. Mr. John D. McDermott?
Mr. HORNING. I do not know whether it is John T. McDermott or not. However, it is Mr. John McDermott.
The CHAIRMAN. What did he do?
Mr. HORNING. I do not know just what his capacity is. Something with the brewers. Just what I don't know.
The CHAIRMAN. Yes. When did you call on Mr. John McDermott?
Mr. HORNING. I called on him in the city of New York.
The CHAIRMAN. I say, when?
Mr. HORNING. I don't know the time.
The CHAIRMAN. Who was with you when you called on him?
Mr. HORNING. Representative McDermott and Mr. McMichael.
The CHAIRMAN. Did they accompany you to New York, or did you meet them there?
Mr. HORNING. I did not get that.
The CHAIRMAN. Did they accompany you to New York? Did you go on the same train?
Mr. HORNING. I think not. I think I met them in New York by accident. I don't know that I ever had any arrangement to meet him there. I think I met Mr. McDermott and Mr. McMichael right in New York.
The CHAIRMAN. When did you first become acquainted with Mr. John D. McDermott?
Mr. HORNING. I can not answer that.
The CHAIRMAN. Had you known him before you had this conference with him in New York?
Mr. HORNING. Oh, yes.
The CHAIRMAN. You had known him before that time?
Mr. HORNING. Yes, sir.
The CHAIRMAN. Did you go there to see him for a particular purpose at that particular time?
Mr. HORNING. I don't think I went to see Mr. McDermott especially for that. I was in New York on other affairs, and other business, and I think I went there for that. That is my recollection of it. I could not just say.
The CHAIRMAN. You went there on some other business?
Mr. HORNING. I was at that time going to New York about once in every six weeks or every two months. I was going to see doctors there, and under treatment.
The CHAIRMAN. Who suggested the idea of your going to see Mr. John D. McDermott in regard to this matter?
Mr. HORNING. Nobody. Simply my own idea, to see Mr. McDermott.
The CHAIRMAN. What did you want him to do?
Mr. HORNING. To see if he would be instrumental in introducing me, or knew of anybody that would be of any service, so that they could see I got a proper hearing before this Congress. I have always felt, as I told you a moment ago, that I never had a proper hearing. My counsel never received a proper hearing.
The CHAIRMAN. Where did you meet there?

Mr. HORNING. Meet whom?

The CHAIRMAN. John McDermott. Where did you meet him and have this conference with him?

Mr. HORNING. I went to his office.

The CHAIRMAN. Where is his office?

Mr. HORNING. I think it is on Fifteenth Street.

The CHAIRMAN. Who went with you to his office?

Mr. HORNING. I am not positive whether Mr.—Representative McDermott and Mr. McMichael were along at that time or not. However, I think they were.

The CHAIRMAN. You think they went with you to the office?

Mr. HORNING. I told them I was going down to see John McDermott.

The CHAIRMAN. Where were you when you told them—do you remember?

Mr. HORNING. I can not recall that.

The CHAIRMAN. What hotel did you stop at there on that occasion?

Mr. HORNING. I always stopped at the Victoria.

The CHAIRMAN. On this occasion?

Mr. HORNING. I stopped where they stopped; I just can't recall the name of that hotel now.

The CHAIRMAN. The Hotel Navarre?

Mr. HORNING. Navarre; yes, sir. It is about Sixth Avenue and Fiftieth Street, if I remember.

The CHAIRMAN. What is that?

Mr. HORNING. I say, I think that was on Sixth Avenue and Fiftieth Street.

The CHAIRMAN. How did you happen to go to that particular hotel at that particular time?

Mr. HORNING. Well, Mr. McDermott and McMichaels was there.

The CHAIRMAN. You mean Representative McDermott?

Mr. HORNING. Yes, sir; and they said I might as well come up here and register as go to the Victoria. I went up there and registered. I only intended to stay a day and a night, or something of that kind, and come back.

The CHAIRMAN. And they went with you, or, at any rate, you gentlemen met in the office of Mr. John McDermott?

Mr. HORNING. No; they did not suggest that.

The CHAIRMAN. I say, you met there?

Mr. HORNING. Met where?

The CHAIRMAN. I did not say anything about who suggested it. You gentlemen—you, Representative McDermott, and Mr. McMichael—met in the office of John McDermott?

Mr. HORNING. No; I did not say that. I say they were there; but I did not say we met there.

The CHAIRMAN. You went there?

Mr. HORNING. We went there; yes, sir.

The CHAIRMAN. You got together there some way?

Mr. HORNING. I told them I was going there, and they went along; they came along.

The CHAIRMAN. They went along with you?

Mr. HORNING. Yes, sir.

The CHAIRMAN. What was the conference that was held there?

Mr. HORNING. There was no conference.

The CHAIRMAN. What did you talk about?

Mr. HORNING. We simply talked the situation over. There was no conference. We had a personal interview, and I explained the same to him as I explained to every one else, the conditions in Washington and the way I felt about it and the way I saw things.

The CHAIRMAN. Between whom was that interview held?

Mr. HORNING. What is that?

The CHAIRMAN. Between whom was that interview had?

Mr. HORNING. John McDermott.

The CHAIRMAN. And yourself?

Mr. HORNING. Yes, sir.

The CHAIRMAN. And Representative McDermott?

Mr. HORNING. I do not think he said anything.

The CHAIRMAN. He did not say anything?

Mr. HORNING. Not to me. I can not recall him saying anything at all.

The CHAIRMAN. Did you call anybody over the telephone from that office?

Mr. HORNING. Not to my knowledge.

The CHAIRMAN. Did anyone call anyone over the telephone from that office?

Mr. HORNING. I do not remember if Mr. McDermott called anybody over any telephone. I can not remember that.

The CHAIRMAN. Did anyone try to get anyone over the telephone from that office?

Mr. HORNING (after a pause). I can not recall it.

The CHAIRMAN. Do you remember whether or not Representative McDermott undertook to reach Representative Rothermel, of Pennsylvania, by telephone from that office on that occasion?

Mr. HORNING. No, sir.

The CHAIRMAN. How is that?

Mr. HORNING. I don't remember anything like that.

The CHAIRMAN. Do you say it did not happen, or it did, or do you simply say you don't remember?

Mr. HORNING. No. I say, to the best of my knowledge, nothing like that took place.

The CHAIRMAN. You think no effort of that sort was made?

Mr. HORNING. Sir?

The CHAIRMAN. You think no effort of that kind was made?

Mr. HORNING. That is my belief.

The CHAIRMAN. What were the relations between you and McMichael? You know McMichael, do you? [After a pause.] You don't know McMichael?

Mr. HORNING. Yes, sir; but we never had any relations.

The CHAIRMAN. I say, What were the relations between you at that time?

Mr. HORNING. Oh, they were—you mean whether we were friendly or otherwise?

The CHAIRMAN. Yes.

Mr. HORNING. Oh, we were friendly; yes, sir. We are still friendly, as far as I know. McMichael and I have never had any trouble.

The CHAIRMAN. There have never been any unpleasant relations between you?

Mr. HORNING. Yes; so far as I know there has never been anything unfriendly, not any words, disputes, or anything.

The CHAIRMAN. You have never had any differences?

Mr. HORNING. Not that I know of; no, sir.

The CHAIRMAN. Where did you first see Representative McDermott in New York on that occasion?

Mr. HORNING. I am not clear on that.

The CHAIRMAN. Well, what is your best recollection about it?

Mr. HORNING. I would not like to say that; I don't know.

The CHAIRMAN. How long had you been there? How long were you in New York on that occasion?

Mr. HORNING. How long was I in New York?

The CHAIRMAN. On that occasion; yes. How many days?

Mr. HORNING. I don't think—about one day and probably one night. I was there one night and half of the day, or three-quarters of the day; something of that kind. No more than one full day and at least one night.

The CHAIRMAN. Do you remember whether Representative McDermott and McMichael went over there with you?

Mr. HORNING. No; I am a little undecided about that. I don't know about McDermott going with me. I am trying to unravel about McMichael making a special trip to New York for me, or whether he had said he was going to New York and invited me to go along, or meet him there. I can not unravel that.

The CHAIRMAN. McMichael you are speaking of now?

Mr. HORNING. Yes, sir; not McDermott. McMichael; yes, sir.

The CHAIRMAN. Do you know whether or not you talked with Representative McDermott about making that trip before it was made?

Mr. HORNING. I did not get that.

The CHAIRMAN. Do you remember whether or not you had a talk with Representative McDermott about making that trip prior to the time that you did make it?

Mr. HORNING. I would say no.

The CHAIRMAN. That you did not?

Mr. HORNING. Not to my knowledge; no, sir.

The CHAIRMAN. Prior to that time had you discussed this legislation with Representative McDermott?

Mr. HORNING. You mean in regards to this bill?

The CHAIRMAN. Yes; prior to that time; prior to the time of making this trip to New York?

Mr. HORNING. I think so.

The CHAIRMAN. You had discussed that with him?

Mr. HORNING. I think so, although I never said much about it to Mr. McDermott.

The CHAIRMAN. Was Mr. McDermott a customer of yours?

Mr. HORNING. What is that?

The CHAIRMAN. A customer of yours?

Mr. HORNING. A customer?

The CHAIRMAN. Yes; Mr. McDermott.

Mr. HORNING. I never considered Mr. McDermott a customer.

The CHAIRMAN. Well, did he do business with you?

Mr. HORNING. No; not in a business way. I never treated Mr. McDermott in that manner.

The CHAIRMAN. Did you ever loan him any money?

Mr. HORNING. Did I ever loan him money?

The CHAIRMAN. Yes; on pledges?

Mr. HORNING. On what?

The CHAIRMAN. On a pledge, on a pawn?

Mr. HORNING. No.

The CHAIRMAN. On his jewelry?

Mr. HORNING. No.

The CHAIRMAN. Did he put up anything for it?

Mr. HORNING. The relations between Mr. McDermott and myself are a little difficult to explain. We did not deal in a business transaction at all, in a business way. I never charged Mr. McDermott any interest or anything of that kind, if that is what you want to know. If you want to know whether I charged Mr. McDermott any interest, I will say no.

The CHAIRMAN. My question was whether you loaned him money.

Mr. HORNING. No.

The CHAIRMAN. I did not ask you anything about interest. Did you ever loan him any money?

Mr. HORNING. Yes, sir.

The CHAIRMAN. What security did you require for that?

Mr. HORNING. I never required any.

The CHAIRMAN. Loaned it on his note?

Mr. HORNING. Yes, sir.

The CHAIRMAN. When did you first begin loaning him money?

Mr. HORNING. First what?

The CHAIRMAN. Begin loaning him money.

Mr. HORNING. Shortly after our acquaintance began, if I remember correctly.

The CHAIRMAN. When did your acquaintance begin?

Mr. HORNING. Something between five or seven years ago; right after he came to Congress, whenever that was.

The CHAIRMAN. Now, when did you learn that Representative McDermott and John McDermott were related?

Mr. HORNING. I could not answer that.

The CHAIRMAN. Had you known John McDermott before you knew Representative McDermott?

Mr. HORNING. You mean did I know Mr. John McDermott before I knew Representative McDermott?

The CHAIRMAN. Yes.

Mr. HORNING. No, sir; I did not.

The CHAIRMAN. Did Representative McDermott introduce you to John McDermott?

Mr. HORNING. Yes, sir.

The CHAIRMAN. He brought you together?

Mr. HORNING. Yes, sir.

The CHAIRMAN. About what time; when?

Mr. HORNING. I have not the faintest idea when that was. I should say, though—I do not know. It may be as long as five or four years or three years; I would not commit myself on any time like that.

The CHAIRMAN. Mr. Horning, whom did you expect John McDermott to be able to reach?

Mr. HORNING. I did not expect him to reach anybody. I asked him if he could introduce me to some one that would be likely to come to Washington and assist me in this matter.

The CHAIRMAN. Whom did you have in mind?

Mr. HORNING. Nobody.

The CHAIRMAN. How came you to go to John McDermott on a mission of that sort?

Mr. HORNING. I do not know why I did that any more than I went to this man Moss; the same proposition.

The CHAIRMAN. Who suggested it?

Mr. HORNING. No one suggested it to either party.

The CHAIRMAN. To either party; either of which party?

Mr. HORNING. Either Mr. McDermott or Mr. Moss.

The CHAIRMAN. Either; which McDermott do you mean?

Mr. HORNING. Mr. John McDermott. No one suggested that. I simply suggested it myself.

The CHAIRMAN. It just occurred to you without any suggestion to go to see John McDermott, to see whether or not he could bring any influence to bear to aid you in preventing the destruction of your business?

Mr. HORNING. Not preventing; enlightening the Members. You have got that wrong.

The CHAIRMAN. You assumed that enlightening the Members would prevent the destruction of your business?

Mr. HORNING. No; not to prevent that; to enlighten them.

The CHAIRMAN. What did you want to enlighten them for?

Mr. HORNING. Well, as I have told you a few moments ago, the District Committee had treated Mr. Tucker so cooly in the proposition, I never considered they would have given it any consideration at all. They apparently had their minds made up before we called in any attorney; they had apparently decided what they were going to do.

The CHAIRMAN. You thought they needed enlightenment?

Mr. HORNING. What is that?

The CHAIRMAN. You thought they needed enlightening, did you?

Mr. HORNING. I did not get that.

The CHAIRMAN. You thought they needed enlightening? You wanted to enlighten them?

Mr. HORNING. Yes; and to explain the situation to them.

The CHAIRMAN. Whom did you think John McDermott could get to go to the District Committee and enlighten them upon this proposition?

Mr. HORNING. I had already been to the District Committee, talked to different members without any result.

The CHAIRMAN. Whom did you think John McDermott could get to come? You had exhausted yourself in your efforts. You had done all you could do?

Mr. HORNING. I never thought for a moment John McDermott would come down.

The CHAIRMAN. Whom did you think he could get to come down?

Mr. HORNING. I asked him the simple question; I asked Moss if he knew of any of the Tammany Congressmen who could see—talk to the Members of Congress—and see that we could get justice.

The CHAIRMAN. In that talk you had with John McDermott, was the name of any Representative in Congress mentioned in connection with this matter, relative to this legislation?

Mr. HORNING. I will have to get you to give me that again.

The CHAIRMAN. In the conversation you had with John McDermott in New York, on the occasion to which you have referred, was any reference made to any particular Member of Congress relative to this legislation?

Mr. HORNING. No, sir. He told me he could not do anything for me.

The CHAIRMAN. He told you he could not do anything for you. How long did your conversation last, that talk with John McDermott?

Mr. HORNING. Mr. McDermott told me he could not do anything for me. He thought it was a useless proposition.

The CHAIRMAN. How came Representative McDermott to go along with you?

Mr. HORNING. I did not say he went along with me. Nobody said that.

The CHAIRMAN. What are the facts about that, please? Did you meet there at the office?

Mr. HORNING. Not as far as my recollection is; not intentionally at all. That is what I have just tried to explain to you a moment ago. I am not clear as to whether Mr. McMichael went to New York on one occasion for me alone, or whether I was to meet him there when he went to New York. I do not know that. I can not remember.

The CHAIRMAN. McMichael did make a trip to New York for you at some time, did he?

Mr. HORNING. No—McMichael—my recollection is this, that he came to me and told me he had a friend in New York whom he knew would be of assistance to me, and that he would go on to see that friend and talk with him regarding our bill.

The CHAIRMAN. Did he tell you who it was?

Mr. HORNING. No; he did not.

The CHAIRMAN. He did not?

Mr. HORNING. No.

The CHAIRMAN. When was that?

Mr. HORNING. I think it was in 1911.

The CHAIRMAN. And you do not know whether or not it was upon that same occasion that you went to New York?

Mr. HORNING. No; I am not clear on that.

The CHAIRMAN. Did he say it was John McDermott?

Mr. HORNING. Oh, no.

The CHAIRMAN. It was not, in fact, John McDermott, was it?

Mr. HORNING. No.

The CHAIRMAN. Did you ever learn who it was?

Mr. HORNING. He told me some gentleman's name, but I do not remember.

The CHAIRMAN. You do not remember it?

Mr. HORNING. No, sir. I am not clear whether at that particular time—whether there was another transaction when he went to New York alone to see about or whether that was the occasion. I am not clear on that.

The CHAIRMAN. Did he make more than one trip to New York?

Mr. HORNING. What is that?

The CHAIRMAN. Did he make more than one trip to New York for you?

Mr. HORNING. On that I am not clear. I do not know whether we met that time—whether that was the occasion—or whether it was the other time.

The CHAIRMAN. Do you know how Mr. McDermott came to be there at that time?

Mr. HORNING. I do not know.

The CHAIRMAN. You do not know?

Mr. HORNING. No.

The CHAIRMAN. Did you and he discuss that trip over there before you went?

Mr. HORNING. I beg your pardon.

The CHAIRMAN. Did you and he discuss that trip over there before you went—you and Mr. McDermott?

Mr. HORNING. Not to my knowledge; I do not remember anything like that.

The CHAIRMAN. You just chanced to meet there in New York, did you?

Mr. HORNING. I would assume that was the way it was.

The CHAIRMAN. Do you remember where you met first?

Mr. HORNING. Where did we meet first?

The CHAIRMAN. Yes; how you happened to get together.

Mr. HORNING. I do not recall. I do not remember where I met him first at that time.

The CHAIRMAN. Where did you see him prior to the time you saw him at the Hotel Navarre?

Mr. HORNING. That is what I say I am not clear about. I do not know whether I met him on Broadway or whether I met him at McDermott's office, or how. I can not remember that.

The CHAIRMAN. When you did finally register at the hotel you had adjoining rooms, did you not?

Mr. HORNING. I think they were.

The CHAIRMAN. Was that after or before the talk you had with John McDermott?

Mr. HORNING. I think that was afterwards, sir.

The CHAIRMAN. You do not really remember whether you were together at the office of John McDermott or whether you just met at that office, if I understand you?

Mr. HORNING. My recollection is, as I told you before, that I had seen Representative McDermott and McMichael and told them I was going to call on John McDermott.

The CHAIRMAN. And you told him what you were going to call on him for; what your purpose was?

Mr. HORNING. I do not know whether I did or not. I would not like to answer whether I did. They went along, if I remember correctly. I do not know whether we all went together, or whether I was in there and they came in. I can not recall.

The CHAIRMAN. Neither of them suggested to you calling on Mr. John McDermott?

Mr. HORNING. How is that?

The CHAIRMAN. Did either of them suggest to you calling upon John McDermott?

Mr. HORNING. No, sir.

The CHAIRMAN. Neither of them suggested it to you?

Mr. HORNING. No, sir.

The CHAIRMAN. They did not suggest it here in Washington. When did they suggest it, in New York?

Mr. HORNING. No; in New York I told them I was going down to Mr. McDermott's office.

The CHAIRMAN. And they had not suggested the idea here in Washington?

Mr. HORNING. No, sir.

The CHAIRMAN. That was all your own idea?

Mr. HORNING. Yes, sir.

The CHAIRMAN. How often did you call upon Representative McDermott at his office here?

Mr. HORNING. How often did I call——

The CHAIRMAN. At the office of Representative McDermott?

Mr. HORNING. In Washington?

The CHAIRMAN. In Washington; yes.

Mr. HORNING. How often did I call?

The CHAIRMAN. Yes.

Mr. HORNING. I could not answer that.

The CHAIRMAN. Frequently?

Mr. HORNING. Oh, quite often; yes, sir.

The CHAIRMAN. Could you approximate it?

Mr. HORNING. No; I could not.

The CHAIRMAN. Did you ever call on him before the time when this legislation came up?

Mr. HORNING. Did I call on him——

The CHAIRMAN. Before the time that this legislation came up?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Frequently?

Mr. HORNING. Yes, sir.

The CHAIRMAN. You were good friends?

Mr. HORNING. How is that?

The CHAIRMAN. You were good friends?

Mr. HORNING. I visited his house, and the family visited, etc.

The CHAIRMAN. Any relationship?

Mr. HORNING. No, sir.

The CHAIRMAN. You had never known him prior to the time he became a Member of Congress?

Mr. HORNING. No, sir.

The CHAIRMAN. Mr. Horning, how much money did you and Mr. Burnstine and Mr. Heidenheimer raise to be used in regard to this legislation?

Mr. HORNING. It was $3,734, I believe.

The CHAIRMAN. That was the total amount? What did you do with that money?

Mr. HORNING. I paid the bills with that.

The CHAIRMAN. What bills?

Mr. HORNING. Well, there was Mr. Davis, he got $2,000; Mr. Hart, to the best of my knowledge, got about $250. However, I would not swear whether I gave him $200 or $250. I believe it was $250. There is a little doubt about that other $50. Mr. Sullivan received $200, and Mr. Schulteis got $300; Mr. Tucker received $350. That printing was, as close as I know, about $100, a few cents under or over. I approximate it at $100. That included the printing, and I mailed a pamphlet to each Member of Congress, stating our views. That was all included in printing. Stationery and mailing and addressing envelopes and letters, etc., I approximated that at about $100. I made a contribution to the Democratic campaign—I donated $500 of this particular fund, that was $825 that I donated for that campaign fund.

The CHAIRMAN. You gave $825 in all and took $500 out of this fund?

Mr. HORNING. Yes, sir; which I have a receipt for.

The CHAIRMAN. For the campaign fund?

Mr. HORNING. Yes, sir.

The CHAIRMAN. How came you to take that $500 out of this fund?

Mr. HORNING. Why did I do it?

The CHAIRMAN. Yes.

Mr. HORNING. I thought it was proper.

The CHAIRMAN. Did you do that with the consent of Heidenheimer and Burnstine, or did you tell them anything about it?

Mr. HORNING. Well, in a peculiar way, I might have told Heidenheimer about it, told him I was going to make a contribution to the Democratic campaign committee.

The CHAIRMAN. To the national campaign fund?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Or to the congressional campaign fund; to whom did you pay that money, did you say?

Mr. HORNING. Whom did I pay it to?

The CHAIRMAN. Yes.

Mr. HORNING. To the national committeeman, Mr. John Costello.

The CHAIRMAN. The committeeman of the District of Columbia?

Mr. HORNING. How is that?

The CHAIRMAN. He is the Democratic committeeman for the District of Columbia, the national committeeman?

Mr. HORNING. Yes, sir; that is the way I understood it.

The CHAIRMAN. Now, have you receipts for the other moneys that you paid out?

Mr. HORNING. Have I receipts?

The CHAIRMAN. Yes.

Mr. HORNING. No.

The CHAIRMAN. Any receipt from Mr. Davis?

Mr. HORNING. I made Mr. Davis give me a receipt, sir.

The CHAIRMAN. How is that?

Mr. HORNING. I made Mr. Davis give me a receipt.

The CHAIRMAN. You have a receipt from him?

Mr. HORNING. I made him give me one.

The CHAIRMAN. You have it then, have you?

Mr. HORNING. Yes; I have it.

The CHAIRMAN. For $2,000?

Mr. HORNING. Yes, sir.

The CHAIRMAN. When did he give you that receipt?

Mr. HORNING. He gave me that after the settlement of all bills; after he got his money.

The CHAIRMAN. About how long after?

Mr. HENRY E. DAVIS. Gentlemen, here is the receipt [producing receipt].

Mr. HORNING. I do not know the time. I gave him the money, and he gave me a receipt. There was a dispute; that is why I made him give me a receipt. I never took receipts from him before, but I made him give me that.

The CHAIRMAN. Why?

Mr. HORNING. Because, when we were settling our accounts, I told Heidenheimer and Burnstine about Mr. Davis's charges and they thought it was absurd, and that it could not be possible that he was going to charge any such amount, and that I should have an agreement with him.

The CHAIRMAN. Did you not have any agreement in advance about that matter?

Mr. HORNING. No. Mr. Davis and I have done business for 20 years, and we never talked about such things—we never talked about the amount.

The CHAIRMAN. You say he was your business representative; he was your attorney in your regular business; he was your attorney?

Mr. HORNING. Mr. Davis?

The CHAIRMAN. Mr. Davis; yes.

Mr. HORNING. He represented me in my affairs, and we had done business for 20 years or more.

The CHAIRMAN. Heidenheimer and Burnstine and you all went together to Mr. Davis's office when he was employed, did you not?

Mr. HORNING. Yes; but we never talked money, we never talked about how much anything was going to cost. They wanted to talk about that, but I would not let them talk about it.

The CHAIRMAN. They wanted to do that?

Mr. HORNING. Yes, sir, but I would not let them. I never do that with an attorney. I always do the work, and we talk about the bill afterwards.

The CHAIRMAN. When you stated to them the amount of the bill——

Mr. HORNING. How is that?

The CHAIRMAN. When you stated to Burnstine and Heidenheimer the amount of the bill, they thought it was unreasonable and outrageous; is that correct?

Mr. HORNING. Yes; that it was too much. I did not think so.

The CHAIRMAN. And therefore you then had Mr. Davis give you a receipt in order to protect you in the matter?

Mr. HORNING. No; I wanted to convince them it was absolutely correct.

The CHAIRMAN. How did you pay the money to Mr. Davis?

Mr. HORNING. I gave him the cash.

The CHAIRMAN. You gave him cash. You did not pay that by check?

Mr. HORNING. Very rarely I pay anything by check.

The CHAIRMAN. You usually pay cash?

Mr. HORNING. As a rule, everything.

The CHAIRMAN. Did you pay him that $2,000 all at one time?

Mr. HORNING. No, sir.

The CHAIRMAN. About how many payments do you remember making to him?

Mr. HORNING. I would judge about three.

The CHAIRMAN. In what amounts at each time?

Mr. HORNING. How is that?

The CHAIRMAN. In what amounts at each time?

Mr. HORNING. I could not say that. I guess Mr. Davis could enlighten you on that point more than I could. I believe that on one occasion Mr. Davis got $250, and I think on another occasion he got $250, and then I think there was a $1,500 payment, or that there was one payment of $500 and one of $1,500. I can not answer that exactly.

The CHAIRMAN. Did you keep book accounts of this, Mr. Horning, of all these payments that you made as the representative of this trio consisting of Mr. Burnstine, Mr. Heidenheimer, and yourself?

Mr. HORNING. You mean of this affair here?

The CHAIRMAN. Yes. Did you keep any books of that?

Mr. HORNING. I did not have to. I do not bother with any books.

The CHAIRMAN. What sort of memoranda did you keep in order to enable you to report to your associates the amounts you were paying?

Mr. HORNING. Mr. Heidenheimer—if I needed $100 or $500 or something like that I would just go to Heidenheimer and say I needed whatever I wanted, and I would get it.

The CHAIRMAN. Do you remember how many times he made payments to you?

Mr. HORNING. How many times Heidenheimer made payments to me?

The CHAIRMAN. Yes.

Mr. HORNING. I have no idea. I never bothered with that end at all.

The CHAIRMAN. Did he pay you in cash or by check, usually?

Mr. HORNING. He gave me checks sometimes and sometimes cash.

The CHAIRMAN. What about Mr. Burnstine?

Mr. HORNING. I think Burnstine paid in checks.

The CHAIRMAN. All his payments were made in checks?

Mr. HORNING. I would not swear to that, but I believe that is right.

The CHAIRMAN. Did Burnstine know you were contributing to the campaign fund?

Mr. HORNING. I do not think he did.

The CHAIRMAN. You said awhile ago you thought it was proper. What made you think it was proper to take this particular fund?

Mr. HORNING. Well, I had received several communications from the headquarters at New York, from Mr. Morganthau, the treasurer, asking me to make a contribution, and Mr. Costello had called on me. I knew Costello from boyhood, and I received probably two or three or half a dozen communications from New York. I had one stating that Mr. Davis and Mr. Costello were going to call on me. Costello did call.

The CHAIRMAN. Those communications were addressed to you personally, were they not?

Mr. HORNING. How is that?

The CHAIRMAN. I say, those communications were addressed to you personally, were they not?

Mr. HORNING. Yes, sir.

The CHAIRMAN. They were not asking you to contribute on the part of the pawnbrokers?

Mr. HORNING. Oh, no.

The CHAIRMAN. They were just personal requests to you?

Mr. HORNING. I would assume it was one of the typewritten letters sent to everybody which was sent to me personally, not to the business at all.

The CHAIRMAN. I am trying to get at the reason why you were constrained to take $500 out of this fund that had been raised or was being raised for a particular purpose and contribute it to the Democratic campaign fund, or any other campaign fund. Why did you use that particular money?

Mr. HORNING. Because I felt inclined to do so.

The CHAIRMAN. Did you feel that it would help you in a legislative way?

Mr. HORNING. Not at all. Costello had come down and had explained to me that they were greatly in need of money and asked if I would go out and try to raise as large an amount as possible. I said I would. I tried it.

The CHAIRMAN. You did not explain to Mr. Burnstine, did you, at the time you called upon him for a contribution of $100—that was what he paid, was it not? He paid 20 per cent, did he not?

Mr. HORNING. Yes, sir.

The CHAIRMAN. You paid $200, Heidenheimer paid $200, and Burnstine paid $100 of this $500?

Mr. HORNING. Yes, sir; that pro rata.

The CHAIRMAN. Did you ever at any time explain to Burnstine that $100 of his money was going into this campaign fund?

Mr. HORNING. I do not think I did. I never had to account to Burnstine. I use my own judgment about those things.

The CHAIRMAN. You say you may have explained to Heidenheimer in a way?

Mr. HORNING. I am not clear on that. I think I told him I donated $825 toward the campaign fund, and I charged this account with $500. I think I told him that. I am not positive of it.

The CHAIRMAN. Do you know whether you told him at the time he paid his $200 that it was going to the campaign fund?

Mr. HORNING. I do not know whether I did or not. Sometimes I think I mentioned it to him, but I can not remember positively about that. I can not recall whether I said I was going to do it or had done it.

The CHAIRMAN. Mr. Horning, did you ever contribute anything to Mr. McDermott's campaign fund?

Mr. HORNING. How is that?

The CHAIRMAN. Did you ever contribute anything to Mr. McDermott's campaign fund?

Mr. HORNING. No, sir.

The CHAIRMAN. Did you contribute anything to any other Representative's campaign fund?

Mr. HORNING. No, sir.

The CHAIRMAN. Did you send Mr. McDermott any money by express or registered letter from here at any time?

Mr. HORNING. How is that?

The CHAIRMAN. Did you send Mr. McDermott any money by express or registered letter from here at any time; did you ever send him any money in any way to his home in Chicago?

Mr. HORNING. Let me see. Did I ever send Mr. McDermott any money?

The CHAIRMAN. To Chicago?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Do you remember about when?

Mr. HORNING. No; I can not recall it.

The CHAIRMAN. Do you remember how much?

Mr. HORNING. I know on one occasion I sent $200.

The CHAIRMAN. Do you remember any other occasion on which you sent him money?

Mr. HORNING. Yes.

The CHAIRMAN. How much?

Mr. HORNING. I can not recall that.

The CHAIRMAN. Sent it to Chicago?

Mr. HORNING. I think on one other occasion I sent some money to Chicago; I am not positive, however. I know I did once, because I sent it by express.

The CHAIRMAN. By express?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Do you know what express company you sent it by?

Mr. HORNING. Usually we send things by Adams Express, across from the office.

The CHAIRMAN. Did you telegraph him about that?

Mr. HORNING. I think I telegraphed him I had sent by express that money. I think I sent him a telegram. I am not positive, but I believe I did.

The CHAIRMAN. For what purpose was that money sent to him?

Mr. HORNING. I did not know what he wanted with it.

The CHAIRMAN. Was it a loan?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Was it repaid?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Have all the loans that you ever made to Mr. McDermott been repaid?

Mr. HORNING. Give me that again.

The CHAIRMAN. Have all the loans that you ever made to Mr. McDermott been repaid?

Mr. HORNING. All repaid?

The CHAIRMAN. Yes, sir.

Mr. HORNING. No, sir.

The CHAIRMAN. He owes you money now?

Mr. HORNING. Yes, sir.

The CHAIRMAN. How much?

Mr. HORNING. He owes me $1,000.

The CHAIRMAN. Borrowed at one time?

Mr. HORNING. No, sir.
The CHAIRMAN. At different times?
Mr. HORNING. Yes, sir.
The CHAIRMAN. Have you his note for those amounts?
Mr. HORNING. No, sir.
The CHAIRMAN. Any security for them?
Mr. HORNING. No, sir.
The CHAIRMAN. Any writings; any written evidence of the loans?
Mr. HORNING. No, sir.
The CHAIRMAN. Mr. Horning, how far back do those loans by you to Mr. McDermott date?
Mr. HORNING. How far—how long ago I made loans to Mr. McDermott?
The CHAIRMAN. Well, yes—that he owes you?
Mr. HORNING. Why, it goes back of 18 months.
The CHAIRMAN. When was the last loan made to him that he owes you—the last loan that has not been repaid?
Mr. HORNING. Well, I would say between 18 months, between 18 or 20 or 24 months; something of that kind; I do not know just when.
The CHAIRMAN. Since that time you have not loaned him anything, except that which has been repaid; or have you made him any loans at all within the last 18 months?
Mr. HORNING. No; I haven't made him any loans within the last 18 months. I know it goes back of 18 months; I know it goes beyond 18 months.
The CHAIRMAN. You have not loaned him anything within the last 18 months?
Mr. HORNING. Oh, no, I know it is beyond that. How much——
The CHAIRMAN (interposing). Mr. Horning, is there any understanding between you and Representative McDermott that the amount he owes you is not to be repaid to you?
Mr. HORNING. No, sir. Mr. McDermott wanted to get more and I would not give it to him.
The CHAIRMAN. Was there any understanding at the time you loaned it, that it was not to be repaid?
Mr. HORNING. No; these transactions—I would like to make myself clear here. It was not a business transaction; we never treated our transactions as business transactions. About the time Mr. McDermott came to Congress, my wife's four cousins in Chicago, either in Mr. McDermott's district or adjoining his district, all worked on behalf of Mr. McDermott's campaign. They are all members of some political organization there—or at least one is, and I think all are; and they sent my wife a letter introducing Mr. and Mrs. McDermott, and asked us to call on them. We called on them, and since then Mrs. McDermott and my wife have visited frequently and been good friends. Mr. McDermott and I have become friendly, and when Mr. McDermott wanted $100 or $200 until pay day, why, there was no question, I simply handed it to him; and he paid it back; and that is the way our relations grew up to $1,000——
Mr. NOLAN. I desire to ask some questions, Mr. Chairman.

The CHAIRMAN. You may do so, Mr. Nolan, although I am not through yet.

Mr. NOLAN. Did you ever see that statement of expenses, Mr. Horning?

Mr. HORNING. Will you let that gentleman [indicating chairman] ask me the question? I can not hear.

Mr. NOLAN. I will make you hear, if talking louder will do it. Did you ever see that statement before [indicating paper in Mr. Nolan's hand]?

Mr. HORNING. Is that the one Mr. Heidenheimer had?

Mr. NOLAN. Yes.

Mr. HORNING. He sent me one at the same time he sent the others one.

Mr. NOLAN. On February 18?

Mr. HORNING. Yes, sir.

Mr. NOLAN. At that time did you have Mr. Davis's receipt?

Mr. HORNING. Yes, sir; yes, sir.

Mr. NOLAN. You had Mr. Davis's receipt when you got this?

Mr. HORNING. Can I come over there, please?

The CHAIRMAN. You may come here, Mr. Nolan, and take my seat.

Mr. NOLAN. At the time that you got that statement from Mr. Heidenheimer [indicating]——

Mr. HORNING (interposing). Yes, sir.

Mr. NOLAN (continuing). Did you have to show Mr. Heidenheimer Mr. Davis's receipt?

Mr. HORNING. No; I do not think Mr. Heidenheimer has ever seen that receipt. I doubt very much whether he has ever seen it.

Mr. NOLAN. You have testified here that you had that receipt to assure them that you had paid that $2,000?

Mr. HORNING. Yes; that is right.

Mr. NOLAN. Did you show it to Mr. Heidenheimer?

Mr. HORNING. I do not think I did.

Mr. NOLAN. Did you have it at the time he made up this statement?

Mr. HORNING. I think I did; yes, sir.

Mr. NOLAN. You are sure of that, are you?

Mr. HORNING. I feel sure on that point; yes, sir.

Mr. NOLAN. I call your attention to this date on here [indicating paper in Mr. Nolan's hand].

Mr. HORNING. February 19.

Mr. NOLAN. February 18.

Mr. HORNING. 18th; yes, sir.

Mr. NOLAN. You had Mr. Davis's receipt at that time?

Mr. HORNING. I do not know that.

Mr. NOLAN. Well, you testified that you did have it.

Mr. HORNING. Well, I said I was not positive about that; I do not believe I settled with Mr. Davis until after this.

Mr. NOLAN. Mr. Davis's receipt is dated February 26.

Mr. HORNING. February 26; that is right, sir [examining paper].

Mr. NOLAN. You are not sure you had that receipt at the time you got that statement?

Mr. HORNING. I am now.

Mr. NOLAN. You now know, after seeing both dates here, that you did not have it at that time?

Mr. HORNING. Yes, sir.

Mr. NOLAN. But you thought a moment ago, before you saw the dates, that you did?

Mr. HORNING. I said I was not positive.

Mr. NOLAN. This is the day that you made a final settlement—that Mr. Heidenheimer and Mr. Burnstine and yourself had your final settlement of the total amount expended on the bill of $3,734; is that not right?

Mr. HORNING. That is right.

Mr. NOLAN. Each one gave the other their check to balance it?

Mr. HORNING. I do not know whether I gave a check or gave the cash. I think I gave the cash.

Mr. NOLAN. Well, if Mr. Heidenheimer owed any money on it he must have given his portion at that time when you were making that settlement?

Mr. HORNING. That is right.

Mr. NOLAN. Did they question Mr. Davis's $2,000, as to whether he had earned that much?

Mr. HORNING. No; they asked me what Mr. Davis was going to charge, how much his bill was.

Mr. NOLAN. How long before the settlement did you tell them about Mr. Davis's $2,000?

Mr. HORNING. I could not say just how long before that; I told them just how much Mr. Davis was going to charge.

Mr. NOLAN. And did you have Mr. Davis's receipt at that time?

Mr. HORNING. No, sir; I did not.

Mr. NOLAN. You are willing to swear that you did not get Mr. Davis's receipt until after this time?

Mr. HORNING. Until after that settlement.

Mr. NOLAN. Until after that settlement?

Mr. HORNING. I think that is right; I did not get Mr. Davis's receipt, according to that date, until February 26.

Mr. NOLAN. Now, that is the only thing, looking at those two dates, that enables you to make up your mind that you did not have it at that time; is that right?

Mr. HORNING. On the day I paid Mr. Davis—I swear I did not have a receipt until I settled with Mr. Davis. I will swear to that very readily.

Mr. NOLAN. Did you settle with Mr. Davis prior to the time that you settled up with Mr. Heidenheimer and Mr. Burnstine?

Mr. HORNING. No, sir.

Mr. NOLAN. How long after?

Mr. HORNING. Well, I could not say. Until February 26, according to that date—that is the day I settled with Mr. Davis.

The CHAIRMAN. Is that all for the present, Mr. Nolan? I think that receipt, and also this receipt [indicating paper in chairman's hand] for the campaign fund, should go in evidence.

Mr. DAVIS. Mr. Chairman, he may withdraw that afterwards, may he not?

Mr. CHAIRMAN. Oh, yes; as soon as the stenographer gets it copied, I should say.

Mr. DAVIS. Yes, sir.

The CHAIRMAN. They will be marked, however, "Exhibit Horning No. 1," "Exhibit Horning No. 2." We may need them in the course of the examination; but we will endeavor to return them, Mr. Davis.

(The papers so introduced are as follows:)

HORNING EXHIBIT No. 1.

DEMOCRATIC NATIONAL COMMITTEE,

200 Fifth Avenue, New York.

Received of George D. Horning the sum of eight hundred twenty-five dollars in contribution to the fund to pay the necessary expenses of the campaign in behalf of the election of Woodrow Wilson as President and Thomas R. Marshall as Vice President of the United States, the purpose of the managers being to finance the campaign by popular subscriptions.

No. 19314.

Dated November 4, 1912.

WILLIAM F. MCCOMBS, *Chairman.*
ROLLA WELLS, *Treasurer.*
H. MORGENTHAU,
Chairman Finance Committee.
ROBERT EWING,
Chairman Press Contributions Bureau.

Countersigned:
JOS. G. MCCONKEY,
Assistant Treasurer.

HORNING EXHIBIT No. 2.

Henry E. Davis.
Edward B. Kimball.

[Telephones (long distance): Office, main 1829; Mr. Davis's residence, north 2597; Mr. Kimball's residence, north 1421. Cable address, "Khedive."]

LAW OFFICES OF HENRY E. DAVIS.

Jenifer Building, Seventh and D Streets, Washington, D. C.

FEBRUARY 26, 1913.

Received of George D. Horning two thousand dollars ($2,000) in full for services in the matter of the "loan shark bill," so called.

HENRY E. DAVIS.

The CHAIRMAN (continuing). The committee will stand adjourned until to-morrow morning at 11 o'clock.

(Whereupon, at 6.05 o'clock p. m., the committee adjourned until to-morrow, August 20, 1913, at 11 o'clock a. m.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Wednesday, August 20, 1913.

The committee assembled at 11 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, Willis, and Nolan.

TESTIMONY OF ISAAC HEIDENHEIMER—Continued.

The CHAIRMAN. Mr. Heidenheimer, when you were on the stand yesterday you produced certain checks and filed them as exhibits, and there was one check concerning which you testified that you were unable to produce it at that time, the same being a $200 check, issued on the 31st of October, 1912. I will ask you to state if you have since found that check.

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Have you that check with you?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Will you please file that as an exhibit, Mr. Heidenheimer?

Mr. HEIDENHEIMER. Yes, sir.

(The check so introduced in evidence is as follows:)

Established 1866. No. 6331.

E. Heidenheimer, diamonds, watches, and precious stones. 1236 Pennsylvania Avenue NW.

WASHINGTON, D. C., *October 31, 1912.*

Pay to the order of Geo. D. Horning---------- $200.00
Two hundred dollars. Not over two hundred dollars ($200).

E. HEIDENHEIMER,
Per BENJAN. HEID.

To the United States Trust Co., Pennsylvania Avenue and Tenth Street NW., Washington, D. C. 15-67.
For ———.
(Indorsed Geo. D. Horning on back.)
Lincoln National Bank. Prior indorsements guaranteed. November 6, 1912. Washington, D. C.

The CHAIRMAN. That is a check which you issued to be used for campaign expenses, is it?

Mr. HEIDENHEIMER. I gave it to Mr. Horning, to the best of my knowledge.

The CHAIRMAN. Did you understand at the time that it was to be used for that purpose?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Did Mr. Horning tell you at that time that it was?

Mr. HEIDENHEIMER. Not at that time. As I testified before, I think there was some talk about some campaign, or something, and he asked me for a check for $200, and I simply gave him a check for $200. That is my best recollection of it.

The CHAIRMAN. Are you certain that that $200 there was included in the final settlement which you all had?

Mr. HEIDENHEIMER. Yes, sir. I do not know which settlement it was accounted for in—that money.

The CHAIRMAN. It was accounted for in some settlement?

Mr. HEIDENHEIMER. Settlement; yes, sir.

The CHAIRMAN. Relative to this pawnbroking legislation?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. Yes; all right.

Mr. STAFFORD. I would like to ask a question, Mr. Chairman.

The CHAIRMAN. Yes; Mr. Stafford.

Mr. STAFFORD. Where did this first settlement take place in which your statement shows $1,687.36 had been paid?

Mr. HEIDENHEIMER. I do not remember where it took place. I might have went down to Mr. Horning's and got it, or he might have sent it to me. I do not remember that.

Mr. STAFFORD. You at that time received a pro rata of 40 per cent of that amount, did you?

Mr. HEIDENHEIMER. How is that, sir? Will the stenographer read the question?

(The stenographer read the last preceding question, as follows:)

Mr. STAFFORD. You at that time received a pro rata of 40 per cent of that amount, did you?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. Did you receive a check from Mr. Horning for 40 per cent of that amount?

Mr. HEIDENHEIMER. I do not remember whether it was a check or cash.

Mr. STAFFORD. That represented the total indebtedness that had been expended at that time, did it, on this pawnbrokers' matter at the time of that settlement?

Mr. HEIDENHEIMER. I think it did.

Mr. STAFFORD. At that time you were the cashier, virtually, of the three in the disbursements?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. Or rather, in advancing the money to Mr. Horning?

Mr. HEIDENHEIMER. Yes, sir.

Mr. STAFFORD. And up to August 30, 1912—you are quite certain of that date, are you not—according to your statement there, you had expended or advanced to Mr. Horning or to others, $1,687.36, exclusive of the $250 that you had paid to the attorneys, Tucker, Kenyon & Macfarland?

Mr. HEIDENHEIMER. Yes, sir.
Mr. STAFFORD. You are positive of that?
Mr. HEIDENHEIMER. Positive.
Mr. STAFFORD. How often did you make deposits in banks?
Mr. HEIDENHEIMER. Every day.
Mr. STAFFORD. Would your bank book, showing deposits, give you any information as to whether you received $674, which was 40 per cent of the $1,687, in a check form or in cash?
Mr. HEIDENHEIMER. No, sir.
Mr. STAFFORD. It would not?
Mr. HEIDENHEIMER. No, sir; because it was put in with other checks. But that may have been paid in checks and can be produced. My impression is it was a check, and Mr. Horning——
Mr. STAFFORD (interposing). And Mr. Horning would have that check, if it was paid by check?
Mr. HEIDENHEIMER. I am under the impression that Mr. Horning gave me a check for it.
Mr. STAFFORD. For that amount, at that time?
Mr. HEIDENHEIMER. Well, I won't be sure of it.
Mr. STAFFORD. Did you receive a check from Mr. Horning for Mr. Burnstine's share, was it turned over by Mr. Burnstine to Mr. Horning for you, or did you receive it from Mr. Burnstine direct?
Mr. HEIDENHEIMER. I do not remember whether Mr. Burnstine paid it direct or turned it over to Mr. Horning. But if he has the check it will show.
Mr. STAFFORD. Did you ever see that receipt showing that Mr. Horning had paid Mr. Davis $2,000?
Mr. HEIDENHEIMER. No, sir.
Mr. STAFFORD. He never presented that to you?
Mr. HEIDENHEIMER. No, sir.
Mr. STAFFORD. The settlement had been made before——
Mr. HEIDENHEIMER. How is that?
Mr. STAFFORD. The settlement of your differences had been made prior to the date of that receipt?
Mr. HEIDENHEIMER. Our settlement; yes, sir. What was the date of that receipt?
Mr. STAFFORD. February 25.
Mr. HEIDENHEIMER. Yes, sir.
Mr. STAFFORD. Your settlement was when?
Mr. HEIDENHEIMER. February 18.
Mr. STAFFORD. You are positive that your settlement was February 18?
Mr. HEIDENHEIMER. Well, it was around that time. I made this statement out February 18. They might have——
Mr. STAFFORD (interposing). That is the statement that you made around that time?
Mr. HEIDENHEIMER. It might have been two or three days, or a little later.
Mr. STAFFORD. That is 1913?
Mr. HEIDENHEIMER. Yes, sir.
Mr. WILLIS. In this settlement, Mr. Heidenheimer, was there any controversy between Mr. Horning and yourself as to the amount that was paid to Mr. Davis as a fee?

Mr. HEIDENHEIMER. Well, we talked about Mr. Davis's fee—yes; there was a controversy about it.

Mr. WILLIS. Well, tell us about that controversy.

Mr. HEIDENHEIMER. All the controversy was I thought that Mr. Davis's fee was going to be high, and Mr. Horning said he would attend to it, and he attended to it, and we made our settlement, and I know no more about it.

Mr. WILLIS. Did Mr. Horning tell you at that time what Mr. Davis's fee was?

Mr. HEIDENHEIMER. I think I remember he says, "It will be around $1,500."

Mr. WILLIS. He said it would be around $1,500? Did Mr. Horning show you any receipt that he had obtained from Mr. Davis?

Mr. HEIDENHEIMER. I did not have any more conversation with Mr. Horning about it. He said he would attend to it.

Mr. WILLIS. And it is your impression that the fee was $1,500?

Mr. HEIDENHEIMER. That was my impression.

Mr. WILLIS. That is all, I think, Mr. Chairman.

Mr. STAFFORD. You never paid anything more to Mr. Horning for this pawnbroker representation after this settlement that you had?

Mr. HEIDENHEIMER. No, sir; this was exactly what was spent on the——

Mr. STAFFORD. You have not been able to refresh your memory over night as to how you expended that $305 stated in your settlement?

Mr. HEIDENHEIMER. Well, I refreshed my memory about $5. That is all I could think of.

Mr. STAFFORD. What about the $5?

Mr. HEIDENHEIMER. I remember there was some one came down to the store and wanted to buy something. This is from memory—and I think it would be $30, and they only wanted to pay $25. I would not let them have it for that, and they went to Mr. Horning, and maybe they wanted him to—maybe he had something like that. Well, Mr. Horning telephoned to me about it, saying: "Here is a friend of mine; let him have it for $25 and charge the $5 to me—or to the fund." I think they worked at the Capitol, or something.

The CHAIRMAN. Where did Mr. Burnstine come in, or "get off," on that proposition.

Mr. HEIDENHEIMER. I think they worked at the Capitol.

Mr. STAFFORD. Some person working at the Capitol received $25——

Mr. HEIDENHEIMER (interposing). No; $5.

Mr. STAFFORD. Then, if I understood your statement, there was a controversy with some person as to whether the price should be $30 or $25?

Mr. HEIDENHEIMER. They was to buy the article, which was $30; and they wanted it for $25; and I would not let them have it for that; and Mr. Horning said to me: "Let them have it for that and charge that $5 to the fund." They worked at the Capitol.

Mr. NOLAN. I would like to ask the witness a question, Mr. Chairman.

The CHAIRMAN. Yes; certainly, Mr. Nolan.

Mr. NOLAN. That final statement, Mr. Heidenheimer, is dated February 18. Is that the day on which you and Mr. Horning and Mr. Burnstine got together?

Mr. HEIDENHEIMER. I made that on the 18th. It might have been three or four days afterwards, you know, until I could get a chance to see them; something like that.

Mr. NOLAN. You testified here yesterday that your statement was finally compiled after going over certain memoranda in your possession in relation to disbursements; is that right?

Mr. HEIDENHEIMER. This last one.

Mr. NOLAN. The last one? Did Mr. Horning furnish you any statement in writing as to these disbursements?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLAN. Did he furnish them to you verbally?

Mr. HEIDENHEIMER. No; as I gave him the money I put it on a slip.

Mr. NOLAN. As you gave him the money you put it on a slip?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. How about the money that he expended; how did he account for that to you and Mr. Burnstine, so that you might prepare this account?

Mr. HEIDENHEIMER. He got that money from me.

Mr. NOLAN. He got that money from you?

Mr. HEIDENHEIMER. I would see him once in awhile, and he would say, "Send me down $100, or $200," and I would let him have it.

Mr. NOLAN. Then you prepared this final statement from the amounts of money that you disbursed to Mr. Horning?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. In the preparation of this final statement and the passing back and forth of checks to balance affairs between the three of you, did Mr. Horning make any definite statement to you in regard to counsel fee?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLAN. Did he make any statement in your presence to Mr. Burnstine?

Mr. HEIDENHEIMER. Not that I remember.

Mr. NOLAN. Did either yourself, or Mr. Burnstine in your presence, ever question the amount of money that was to be paid to Mr. Davis?

Mr. HEIDENHEIMER. Well, we talked about the fee, that it should not be too high. He said he would fix it.

Mr. NOLAN. Was the statement ever made to you that it might amount to $2,000?

Mr. HEIDENHEIMER. Fifteen hundred dollars is as much as I remember.

Mr. NOLAN. You settled up on a $1,500 basis; is that right?

Mr. HEIDENHEIMER. I do not exactly remember how we settled up. I know Mr. Horning got the money and this was the amount of money that was expended. I do not remember the details of the statement.

Mr. NOLAN. Was there not some statement made to you in relation to how much money was to be paid to Mr. Davis and to others for their services when you made up this statement?

Mr. HEIDENHEIMER. I can not remember how that was fixed.

Mr. NOLAN. Well, what sort of memoranda did you have when you compiled this final statement?

Mr. HEIDENHEIMER. Mr. Horning just asked me for money and I gave it to him and he arranged all the details.

Mr. NOLAN. Did you ever question as to whether he paid Mr. Davis $1,500, or $1,000, or $900, or $2,000?

Mr. HEIDENHEIMER. No; I never questioned him on that question, sir.

Mr. NOLAN. Did Mr. Burnstine ever question the amount of that counsel fee in your presence?

Mr. HEIDENHEIMER. Not to my knowledge.

Mr. NOLAN. Then, when Mr. Horning testified that you people had a dispute over the question of counsel fee, he is not testifying to the fact; is that right?

Mr. HEIDENHEIMER. I do not know about that. There was some kind of a mix-up there, about counsel fee. I do not remember just how it was arranged.

Mr. NOLAN. That was a very important proposition in this legislation—the matter of a fee of from $1,500 to $2,000. How is it that your memory is so defective on that, and still is so very clear on very minor subjects?

Mr. HEIDENHEIMER. Well, my memory is not very clear on minor subjects. There was a whole lot of things I do not remember at that time, and I can not just remember how it was.

Mr. NOLAN. On anything pertinent to this investigation it seems that your mind is very hazy.

Mr. HEIDENHEIMER. Well, I can not remember things exactly.

Mr. NOLAN. Here is a $2,000 receipt. Did you not ever see that receipt?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLN. You never knew that there was such a receipt then?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLN. You never knew that there was $2,000 paid. Is that right?

Mr. HEIDENHEIMER. Yes, sir; that is right, sir. I did not know what the fee was.

Mr. NOLAN. You did not question Mr. Horning on it?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLAN. Then, there was not any difference between you and Mr. Horning that necessitated him getting a receipt of $2,000 from Mr. Davis, so far as you are concerned?

Mr. HEIDENHEIMER. Not so far as I was concerned, no, sir.

Mr. NOLAN. And you paid 40 per cent?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. Or were supposed to pay 40 per cent of the total?

Mr. HEIDENHEIMER. Of what was paid out.

Mr. NOLAN. This final accounting, that was the winding up of your affairs, was it not?

Mr. HEIDENHEIMER. Yes, sir.

Mr. NOLAN. Did you hold any meeting on the question of disbursements after that?

Mr. HEIDENHEIMER. No, sir.

Mr. NOLAN. And this is dated February 18?

Mr. HEIDENHEIMER. That was final.

Mr. NOLAN. That was final?

Mr. HEIDENHEIMER. Well, the settlement might have been made three or four days after that.

Mr. NOLAN. But it could not have been made 10 days after that, could it?

Mr. HEIDENHEIMER. Around that time.

Mr. NOLAN. If it was made 10 days afterwards, you never saw that receipt?

Mr. HEIDENHEIMER. I have never seen that receipt, no, sir.

Mr. NOLAN. That is all.

Mr. RUSSELL. May I ask one or two questions, Mr. Chairman?

The CHAIRMAN. Certainly, Judge Russell.

Mr. RUSSELL. I want to get one or two points clear in my mind. You have got that settlement in your hands, I believe?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. A copy of the settlement. It was made on August 30, 1912. Have you a copy?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Now, if I understood you correctly, yesterday, you said that all that had been paid out at that date was the $1,687.36, and the $250 that you paid to Mr. Tucker. Is that not right?

Mr. HEIDENHEIMER (examining paper). Yes, sir; that is my impression of it.

Mr. RUSSELL. That is the question asked you here: "It is true that this previous settlement that you referred to or $1,687.36, that settlement was made August 30, 1912?"

And your answer was: "I am pretty sure it was."

And you were then asked: "Now, that much money had been expended at that time?"

And you answered: "Yes."

Now, in addition to that you had paid out the $250?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Making $1,937 that had been paid out by you three at that date?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Just one other question: When you testified then, you said that you did not know of any attorneys being employed, except Mr. Tucker and his firm, and Mr. Davis?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Mr. Horning has testified as follows about Mr. Schulteis; is that his name?

Mr. HEIDENHEIMER. Schulteis.

Mr. RUSSELL. He was asked this question: "Is he an attorney?" And the answer was, "Well, I could not really say. He was introduced to me by Mr. Heidenheimer." Is that right?

Mr. HEIDENHEIMER. Yes, sir.

Mr. RUSSELL. Did you recommend his employment?

Mr. HEIDENHEIMER. I think I did—I testified to that before Mr. Horning did, you know.

Mr. RUSSELL. How is that?

Mr. HEIDENHEIMER. I testified to that before Mr. Horning did.

Mr. RUSSELL. You testified that you introduced him to Mr. Horning?

Mr. HEIDENHEIMER. That Mr. Horning had other——

Mr. RUSSELL (interposing). Now, the purpose of asking you that question was chiefly to fix that date. If I understand you correctly, that was about the time the bill was pending and of the conference report in the House?

Mr. HEIDENHEIMER. I do not remember about when he was employed. It was, maybe, before that; maybe it was before that.

Mr. RUSSELL. Well, you know that Congress was in session, was it not?

Mr. HEIDENHEIMER. I think so.

Mr. RUSSELL. You know that Congress met in 1912 in the first week in December, did it not?

Mr. HEIDENHEIMER. December, 1912?

Mr. RUSSELL. Yes.

Mr. HEIDENHEIMER. I presume that is right.

Mr. RUSSELL. Congress always meets in regular session the first week in December, does it not?

Mr. HEIDENHEIMER. Yes; but they have a whole lot of special sessions, and it is hard to fix dates.

Mr. RUSSELL. And it was between that regular session in the first week of December and until this bill was finally disposed of that this man Schulteis was employed?

Mr. HEIDENHEIMER. It might have been before that.

Mr. RUSSELL. Well, how long before?

Mr. HEIDENHEIMER. I think Mr. Schulteis was employed sometime before, to the best of my recollection; I think he went away, and I think we never seen anything of him for a long time—practically forgot him.

Mr. RUSSELL. Well, you have stated, have you not, that it was during that first session—the extra session—prior to that time that he was employed?

Mr. HEIDENHEIMER. I would not like to fix the date of when he was employed.

Mr. RUSSELL. Well, you have heretofore stated, have you not, that it was either in this year—1913—or in the latter part of 1912?

Mr. HEIDENHEIMER. It may have been 1912.

Mr. RUSSELL. Is that not your best judgment?

Mr. HEIDENHEIMER. That is my best judgment; yes, sir.

Mr. RUSSELL. That is all.

Mr. CLINE. I want to ask just one question. Did Mr. Horning give you any money or contribute any money, except the $250 that you paid Mr. Tucker, except his $100 share, up to the time of the first settlement?

Mr. HEIDENHEIMER. You mean previous to that?

Mr. CLINE. Did Mr. Horning contribute any money to the fund, except the $100 that he put into Mr. Tucker's retainer fee, up to the time you made the first settlement?

Mr. HEIDENHEIMER. Any extra money besides this, you mean?

Mr. CLINE. Do you not understand the question?

Mr. HEIDENHEIMER. I want to get it plain.

Mr. CLINE. Well, up to the time you made the first settlement, on the 30th day of August, 1912, did Mr. Horning pay you any money, except the $100 that went to the payment of Mr. Tucker on his retainer fee?

Mr. HEIDENHEIMER (examining paper). I do not think so.
Mr. CLINE. You paid Mr. Horning money, though, did you not?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. Sometimes in checks and sometimes in cash?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. And I want you to be definite about this, now.
Mr. HEIDENHEIMER. He would say to me, "I have spent a couple of hundred dollars; send me a couple of hundred dollars over," and I would send it down to him.
Mr. CLINE. Certainly you would send the money down to him——
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE (continuing). But he did not send you any money, except his proportion of the $250 that you gave to Mr. Tucker?
Mr. HEIDENHEIMER. That is all.
Mr. CLINE. Up to the 30th day of August, 1912?
Mr. HEIDENHEIMER. I think that is right.
Mr. CLINE. Did he give you any check in settlement, up to the 30th day of August, 1912?
Mr. HEIDENHEIMER. I do not remember whether it was a check or cash. He may have given me a check.
Mr. CLINE. He may have given you a check?
Mr. HEIDENHEIMER. Yes, sir.
Mr. CLINE. But you gave him a check on that day? Why should you be giving him a check if he owed you?
Mr. HEIDENHEIMER. I gave him a check for this reason: I wanted to make up a settlement, because I had laid out the money, and, of course, I thought——
Mr. CLINE (interposing). You gave him a check for $113, to pay the balance that you owed him, on the settlement, on the 30th day of August, 1912, did you not?
Mr. HEIDENHEIMER. Well, this is what I wanted to explain to you, and to make it clear.
Mr. CLINE. I do not want any explanation until you have answered that question.
Mr. HEIDENHEIMER. I gave him a check for $113; yes, sir.
Mr. CLINE. That made up the balance of your share of the settlement, on August 30, 1912?
Mr. HEIDENHEIMER. That did not make up my share of the balance. Mr. Horning says I owed him $113 that was laid out. I did not send that $113 down. I gave him a check for it, $113.
Mr. CLINE. I say you gave him a check for $113; and when you got together to make up your first settlement that was the amount coming from you to square up with them?
Mr. HEIDENHEIMER. No; that was the amount to go to Mr. Horning to square with him that $113 that was laid out; and that was included in the other items, and it was 40 per cent for one of us and 40 per cent and 20 per cent for the others.
Mr. CLINE. I understand; one of you paid 40 per cent and the other paid 40 per cent and the other 20 per cent. But when you came down to make the settlement you found that you were shy $113, and you made out your check to Mr. Horning for that amount?
Mr. HEIDENHEIMER. Mr. Horning had paid out $113; and instead of sending cash, $113, I made out a check.

Mr. CLINE. That is what I say; he was $113 ahead of you on the expenses?

Mr. HEIDENHEIMER. Oh, no.

Mr. CLINE. Why did you give him a check for it, then?

Mr. HEIDENHEIMER. Because he laid out $113——

Mr. CLINE. More?

Mr. HEIDENHEIMER. No, not more. There was $113 coming to Mr. Horning——

Mr. CLINE (interposing). You had to pay $113, in order to stand even with the other men, did you not?

Mr. HEIDENHEIMER. No; it was this way—the settlement——

Mr. CLINE (interposing). I know what the settlement was.

Mr. HEIDENHEIMER. Let me make it clear to you.

Mr. CLINE. It is pretty clear to me now. What do you mean by "laid out"? You used that term "laid out" several times; what do you mean by it?

Mr. HEIDENHEIMER. That much had been expended; I had given——

Mr. CLINE (interposing). You mean by "laid out" the money that Mr. Horning had paid out for the benefit of you three men, do you not?

Mr. HEIDENHEIMER. Yes, sir; that is right.

Mr. CLINE. On this proposition?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. And he had $113 coming to him for it, did he not?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. And you gave him your check for it?

Mr. HEIDENHEIMER. Yes, sir.

Mr. CLINE. That is all.

Mr. HEIDENHEIMER. But he owed me the difference between $113 and $1,687.36. He and Mr. Burnstine owed me the difference between $1,687.36 and $113. You see, I had laid out all the money, except that $113.

Mr. CLINE. You had paid out all the rest of it?

Mr. HEIDENHEIMER. Yes; and he owed me for it; the two of them owed me for it.

Mr. CLINE. What did you give him your check for $113 for, then?

Mr. HEIDENHEIMER. I had to give him that check for $113, so that I could square it up in the settlement. Do you understand, Mr. Chairman?

The CHAIRMAN. Yes; I think I understand. I think you just had a crude method of bookkeeping.

Mr. HEIDENHEIMER. It is crude, but correct.

Mr. CLINE. Well, he took the $113 balance up, and paid all the debts, up to the 30th day of August, 1912?

Mr. HEIDENHEIMER. It is this way. I had laid out $1,574.36——

Mr. CLINE (interposing). I do not care anything about that.

Mr. HEIDENHEIMER. I just want to make myself clear, if you will let me.

The CHAIRMAN. Suppose we let him explain, Mr. Cline.

Mr. CLINE. All right. State what it is.

Mr. HEIDENHEIMER. I had laid out $1,574.36. They each owed me their proportion of that. In order to have a complete settlement, then, I telephoned Mr. Horning to see if I owed him anything of that

amount. He says, "Yes, you owe me $113." In order to get that straight, I had to add the $113 to that $1,574.36, did I not, in order to proportion it? That made a total of $1,687.36.

The CHAIRMAN. In other words, you had paid out everything that had been paid out up to that time?

Mr. HEIDENHEIMER. Yes, sir.

The CHAIRMAN. And you found that there was $113 more?

Mr. HEIDENHEIMER. One hundred and thirteen dollars more.

The CHAIRMAN. And so, in order to arrive at a basis of settlement, in a simple way, you issued your check for this $113, added it to the amount which you had already paid out, and then collected back from Mr. Horning and Mr. Burnstine their proportion; is that right?

Mr. HEIDENHEIMER. That is right.

Mr. CLINE. Did they give you a check for it?

Mr. HEIDENHEIMER. I am under the impression that they did, sir.

Mr. CLINE. At the time the settlement was made?

Mr. HEIDENHEIMER. I think so. They either gave me a check or the cash.

Mr. CLINE. You have no recollection, no account, of the money that you had already sent to Mr. Horning, besides the checks that you issued, have you?

Mr. HEIDENHEIMER. No, sir.

Mr. CLINE. But you did send money several times?

Mr. HEIDENHEIMER. Cash?

Mr. CLINE. Cash; yes. Why did you not count that in, too?

Mr. HEIDENHEIMER. How do you mean? I have no recollection of those checks until I look them up.

Mr. CLINE. I say, why did you not count the cash in that settlement also? Do you not know that the checks that you have shown here make fifteen hundred and some odd dollars that you have accounted for in your settlement, exclusive of the cash?

Mr. HEIDENHEIMER. What, the checks make $1,500?

Mr. CLINE. In the neighborhood of $1,500. There was a $1,000 check and a $113 check and $180 check.

Mr. HEIDENHEIMER. Well, this was—I can't account for that, this statement, but I think it was after. The checks will show it.

Mr. CLINE. Those checks were issued besides all the cash you sent to Horning, is that right?

Mr. HEIDENHEIMER. Those were issued besides the amount of cash?

Mr. CLINE. Yes.

Mr. HEIDENHEIMER. Yes; it might be.

Mr. FERRIS. Who is Bill Hart?

Mr. HEIDENHEIMER. I do not know him, sir.

Mr. FERRIS. You do not know him at all?

Mr. HEIDENHEIMER. I have never seen and never spoke to him.

Mr. FERRIS. There are two Bill Harts here, are there not?

Mr. HEIDENHEIMER. I do not know.

Mr. FERRIS. A father and a son?

Mr. HEIDENHEIMER. I do not know either one of them.

Mr. FERRIS. You do know Schulteis?

Mr. HEIDENHEIMER. Yes, sir.

Mr. FERRIS. You introduced him to Mr. Horning?

Mr. HEIDENHEIMER. I did not know whether Mr. Horning knew him or not; I sent him down there.

Mr. FERRIS. Did you send Sullivan down to him, too?
Mr. HEIDENHEIMER. No, sir.
Mr. FERRIS. You don't know Mr. Sullivan?
Mr. HEIDENHEIMER. I met Mr. Sullivan once.
Mr. FERRIS. Where does he live?
Mr. HEIDENHEIMER. I do not know, sir.
Mr. FERRIS. What are his initials?
Mr. HEIDENHEIMER. I do not know his initials.
Mr. FERRIS. You do not know whether this Bill Hart is the old man or the young man?
Mr. HEIDENHEIMER. No.
Mr. FERRIS. Who does know? Does Mr. Horning know?
Mr. HEIDENHEIMER. I do not know whether Mr. Horning knows or not. Mr. Davis, I think, would know. Maybe Mr. Horning knows, I don't know. I don't know him and wouldn't know him if I seen him.
The CHAIRMAN. Mr. Heidenheimer, do you know anything about any other fund being raised with reference to this bill, besides that raised by the pawnbrokers?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. This bill affected a lot of other interests, did it not?
Mr. HEIDENHEIMER. Yes, sir.
The CHAIRMAN. But you do not know anything about a fund being raised by any of the other interests that were affected?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Did you hear of any?
Mr. HEIDENHEIMER. Well, there were reports around, but I did not hear anything definite. There were lawyers up to the White House at the hearings there representing different ones.
The CHAIRMAN. What lawyers were up there?
Mr. HEIDENHEIMER. I do not know.
The CHAIRMAN. Were you up at the hearings at the White House yourself?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. You were not there?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Do you know who was there?
Mr. HEIDENHEIMER. I remember reading of it in the papers. I do not remember it any more now.
The CHAIRMAN. Did you ever learn from anyone who was there?
Mr. HEIDENHEIMER. I might have read in the papers that the different lawyers made arguments up there. It was a matter of public record.
The CHAIRMAN. I understand; but did you ever learn from any source other than the papers?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Did you talk to Mr. Horning about that?
Mr. HEIDENHEIMER. No, sir.
The CHAIRMAN. Mr. Horning never told you who was up there?
Mr. HEIDENHEIMER. I don't know that Mr. Horning knows any more than I do.
The CHAIRMAN. I say, did Mr. Horning ever tell you who was up there?
Mr. HEIDENHEIMER. I never spoke to him about it.

The CHAIRMAN. What reports did you hear about funds being raised from other sources?

Mr. HEIDENHEIMER. Just generally around, that the note people were fighting the bill.

The CHAIRMAN. You heard that, generally?

Mr. HEIDENHEIMER. I heard it and read it in the paper, I suppose. It was general information.

The CHAIRMAN. I know, but what about funds being raised?

Mr. HEIDENHEIMER. I never heard anything about funds being raised.

The CHAIRMAN. You did not?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. At any time?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. You never heard of any fund being raised by them?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. Did Mr. Horning ever tell you that any funds were being raised about that?

Mr. HEIDENHEIMER. No, sir; not that I remember.

The CHAIRMAN. Did Mr. Burnstine ever tell you?

Mr. HEIDENHEIMER. No, sir.

The CHAIRMAN. All right, Mr. Heidenheimer, you may be excused.

Mr. Horning, will you take the stand?

TESTIMONY OF MR. GEORGE D. HORNING—Continued.

The CHAIRMAN. How do you feel this morning?

Mr. HORNING. About the same as yesterday.

The CHAIRMAN. Mr. Nolan, you were examining the witness when we adjourned yesterday afternoon. You may proceed.

Mr. NOLAN. When you, Mr. Heidenheimer, and Mr. Burnstine first got together, what understanding, if any, did you have in relation to the payment of moneys?

Mr. HORNING. My recollection was this, that I called on all pawnbrokers and asked if we could not raise about $10,000. It was my first intention the pawnbrokers should raise a stake of at least $10,000, and I called on each and every one in the business, with the exception of one house. However, I was not successful in raising that contribution. I tried to, but failed.

Mr. NOLAN. Did you have any understanding with any one of the other pawnbrokers in relation to the payment of money besides Mr. Heidenheimer, Mr. Burnstine, and yourself?

Mr. HORNING. About the pro rata?

Mr. NOLAN. Yes.

Mr. HORNING. Yes, sir.

Mr. NOLAN. Who? What pawnbroker outside of the three?

Mr. HORNING. No pawnbroker outside of the three.

Mr. NOLAN. You did not receive any encouragement from the rest of the pawnbrokers in reference to this fund?

Mr. HORNING. No. I called on Fulton—I think that was the first one—and outlined my ideas to him. He said he did not care one way or the other; that if the bill went through he was going to discontinue

business; that he was unconcerned if Congress deemed fit to pass a bill that was so uncertain he would quit, and he did quit.

Mr. NOLAN. Did you discuss with Mr. Heidenheimer and Mr. Burnstine the amount that should be raised?

Mr. HORNING. The amount that should be raised?

Mr. NOLAN. Yes.

Mr. HORNING. Yes; I told them I was trying to raise $10,000.

Mr. NOLAN. You specified the amount that would be necessary?

Mr. HORNING. No; I said I thought——

Mr. NOLAN. You mentioned that amount?

Mr. HORNING. That was always my idea, that we should have $10,000.

Mr. NOLAN. Was there any understanding among Heidenheimer, Burnstine, and yourself as to the raising of that amount of money by the three of you?

Mr. HORNING. You mean, how we should pay?

Mr. NOLAN. Yes.

Mr. HORNING. Only we decided on this, that in proportion to the amount of business that Heidenheimer and I were doing it was not fair that Burnstine should pay in the same amount. So, we decided Burnstine was doing one-half of the business we were, and we charged him one-half.

Mr. NOLAN. Did you decide among the three of you that you would go to the extent of $10,000, on a 40, 40, and 20 basis?

Mr. HORNING. No, sir. It was my idea, but not Mr. Heidenheimer's and Mr. Burnstine's idea, to have $10,000.

Mr. NOLAN. How far did you have an understanding with Mr. Burnstine and Mr. Heidenheimer that you should go in the expenditure of money?

Mr. HORNING. I went further than they wanted me to go on that. It was always being said about the money I was expending; that I was paying too much.

Mr. NOLAN. Did you make the payments yourself, and then settle with them afterwards?

Mr. HORNING. How is that?

Mr. NOLAN. Did you make the payments, or contract those bills, and make payment of the bills, and then go to them afterwards?

Mr. HORNING. No; sometimes I would pay the bills, and other times Heidenheimer would pay it.

Mr. NOLAN. What method did you adopt in getting money from Heidenheimer?

Mr. HORNING. None whatever. I only told him it was necessary that we take an interest and that I would have to have some money.

Mr. NOLAN. Was he the financial agent, or the financial man, in this transaction?

Mr. HORNING. No. I did not care to be bothered in keeping any books, and told him I did not want to be bothered for that; and if he wanted an accounting for himself, I would just call in for the money and spend it, and when the time came to settle I would settle with him.

Mr. NOLAN. How much money did you get from Heidenheimer?

Mr. HORNING. Fifteen hundred and a few dollars.

Mr. NOLAN. All told?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Then, the other $2,300 you laid out yourself, without going to Mr. Heidenheimer?

Mr. HORNING. Well, Mr. Burnstine paid in some.

Mr. NOLAN. I mean you contracted those bills and made your settlement afterwards?

Mr. HORNING. Oh, yes, sir. If I understand you correctly, whether all the bills were contracted by different people and with the knowledge of Burnstine and Heidenheimer, etc.? They gave me full authority to contract what I saw the need to contract.

Mr. NOLAN. What I want to find out is whether you got the entire $3,800 or $3,900 from Heidenheimer and then made settlement with him afterwards?

Mr. HORNING. I do not quite get the meaning of that.

Mr. NOLAN. Did you get from Mr. Heidenheimer all of the money and then have Burnstine and yourself make a settlement with him afterwards?

Mr. HORNING. No, no; we did not.

Mr. NOLAN. You got in the neighborhood of $1,500 or $1,600 from Burnstine, did you?

Mr. HORNING. No, sir. I didn't get that from Burnstine.

Mr. NOLAN. How much did you get from him?

Mr. HORNING. I do not know whether I got $350 from Burnstine or Burnstine paid $700—whether he gave me $350 and gave Heidenheimer the difference. I don't know.

Mr. NOLAN. Then, if Heidenheimer makes the statement here that he disbursed it, he is in error; is that right?

Mr. HORNING. No, sir; that is wrong.

Mr. NOLAN. That is wrong; and you were the disbursing agent in most instances?

Mr. HORNING. No, sir; I would not say that. If I wanted money, I went up and told Heidenheimer I wanted so much money and he handed it to me.

Mr. NOLAN. To the best of your recollection, how much did you get from Mr. Heidenheimer in that way?

Mr. HORNING. I could not answer that. I know there was so much used, but how it was just that way I don't know. I should say a greater portion of it.

Mr. NOLAN. To get your memory back to that, what was the first amount, if you know, that you got from Heidenheimer?

Mr. HORNING. I would think $1,000.

Mr. NOLAN. $1,000?

Mr. HORNING. I think that was right.

Mr. NOLAN. What was the next amount that you got from Mr. Heidenheimer?

Mr. HORNING. I have no recollection.

Mr. NOLAN. Have you any recollection as to how many times you called upon him and got money?

Mr. HORNING. No way that I could verify it; no, sir.

Mr. NOLAN. You could not give the amounts approximately?

Mr. HORNING. No.

Mr. NOLAN. Did you keep any account at all?

Mr. HORNING. None whatever.

Mr. NOLAN. Did you have any understanding in relation to disbursements with him, and accounting with him?

Mr. HORNING. The only thing I can recall is that I told him I did not want to bother keeping any books.

Mr. NOLAN. Then, how did Heidenheimer make up this account when you finally made your settlement?

Mr. HORNING. I don't know.

Mr. NOLAN. You were there?

Mr. HORNING. No. He came to me and said that I owed so much money and Burnstine owed so much money that he had advanced, and simply made the settlement. I didn't go over any books, or anything of that kind.

Mr. NOLAN. Was that the time of the final settlement?

Mr. HORNING. Yes.

Mr. NOLAN. That you owed so much money, and that Mr. Burnstine owed so much money, and you paid your portion of it?

Mr. HORNING. Yes. He had a statement. I did not even read the statement. He said there was some money—I don't know whether Burnstine—whether he got it from Burnstine, or whether Burnstine gave it to me. I don't know. I think he gave it to Heidenheimer, though.

Mr. NOLAN. Then, how was it he had to make out his own personal check at the final settlement for $113, if you and Burnstine were indebted to him?

Mr. HORNING. I don't know whether he made that; I could not answer. I don't know anything about the books at all. I never looked at the books.

Mr. NOLAN. But you stated you and Burnstine paid so much money in the final settlement to Heidenheimer?

Mr. HORNING. I don't know how he fixed that up.

Mr. NOLAN. Were you there?

Mr. HORNING. No, sir.

Mr. NOLAN. Were you not there at the time of the final settlement?

Mr. HORNING. I think not.

Mr. NOLAN. Well, when did you have the final understanding with him in relation to this matter?

Mr. HORNING. I don't know whether that was February 18, according to that statement of his, or a few days afterwards. I don't know whether he settled on February 18, according to that statement. It might have been a few days afterwards; I don't know.

Mr. NOLAN. Did you look at the statement?

Mr. HORNING. I did not pay any attention to it.

Mr. NOLAN. You paid money in the final settlement without looking at the statement at all?

Mr. HORNING. No. He said, "There is how the money is expended," etc., and told me what the amount was, and we settled.

Mr. NOLAN. How much did you give him on that final settlement?

Mr. HORNING. I do not recall. I had some money left over from the fund. I can't say just how we did settle that.

Mr. NOLAN. When you made the final settlement, did you have any money turned over to you by Mr. Heidenheimer?

Mr. HORNING. I had something, yes.

Mr. NOLAN. What was that used for?

Mr. HORNING. I always had some money there in a drawer that I carried for the entire time of the transactions.

Mr. NOLAN. Did you keep that separate and apart from your regular funds?

Mr. HORNING. Oh, I have a private box which I keep it in; yes, sir.

Mr. NOLAN. You kept this money in that private box?

Mr. HORNING. My own personal box in my safe; yes, sir.

Mr. NOLAN. And you kept this money that was used in this transaction apart from your personal money?

Mr. HORNING. Oh, yes. I never kept it in bank at all; I never got it mixed with my business affairs at all.

Mr. NOLAN. Did you not keep any account of how the money had been expended in that box?

Mr. HORNING. Not once.

Mr. NOLAN. Not even a scrap of paper of any kind?

Mr. HORNING. None whatever.

Mr. NOLAN. You just kept that particular box for expenditures in relation to legislation?

Mr. HORNING. I kept that for all my personal belongings.

Mr. NOLAN. Your entire personal funds were kept in that box?

Mr. HORNING. No; only this. I kept no account whatever.

Mr. NOLAN. Had you any other matters on hand while this legislation was on?

Mr. HORNING. No, sir. I always had the money kept there, and if I wanted to use it, I used it. My recollection is, I think, there was in that box about $750.

Mr. NOLAN. When you had your final settlement?

Mr. HORNING. Well, I had that much money of this fund at all times.

Mr. NOLAN. And you still owed money, you have testified here, at that time to Heidenheimer, and gave him money in the final settlement; is that right?

Mr. HORNING. Well, in this way: When we went to settle, I had $750. That is my recollection. And including that $750, we put in the difference to make up sufficient to pay Mr. Davis and the other expenses.

Mr. NOLAN. How did you make your settlement with Mr. Heidenheimer for his disbursements, in cash or by check?

Mr. HORNING. Cash.

Mr. NOLAN. Always in cash?

Mr. HORNING. I never recall giving any checks at all.

Mr. NOLAN. Do you recall whether you gave him a check on that Tucker & Kenyon retainer of $100?

Mr. HORNING. My recollection is I gave the cash.

Mr. NOLAN. What would you say if Mr. Heidenheimer testified that you gave him a check at that time—that you gave him a check for $100, Burnstine gave him a check for $50, and he drew his check in favor of Tucker & Kenyon for $250?

Mr. HORNING. Mr. Heidenheimer gave his check to Tucker & Kenyon for $250. I don't think I ever gave Tucker & Kenyon $250.

Mr. NOLAN. No; I did not ask you if you gave a check to Tucker & Kenyon.

Mr. HORNING. I thought you did.

Mr. NOLAN. I asked if you gave him your check for $100; Mr. Burnstine gave him a check for $50, and then he issued his own check, his personal check, to Tucker & Kenyon for $250?

Mr. HORNING. My recollection is I paid in cash. I don't recall any checks.

Mr. NOLAN. You do not recall any checks at all?

Mr. HORNING. No, sir.

Mr. NOLAN. What is your general method of doing business—paying in cash?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You have a bank account?

Mr. HORNING. Four of them.

Mr. NOLAN. Do you pay any of your bills in checking on that bank account?

Mr. HORNING. Yes, sir.

Mr. NOLAN. As a general proposition, do you pay your bills in checking on your bank account?

Mr. HORNING. No, sir. No, sir; I do not.

Mr. NOLAN. You just use it as an occasion requires it; is that it?

Mr. HORNING. No; if we need money for any purpose in my business, I draw a check to the order of cash and send the bookkeeper to get it.

Mr. NOLAN. And then pay with the cash?

Mr. HORNING. Oh, I pay some bills by check. Not all bills. In fact, I use the banks as little as possible, if that is what you want to know.

Mr. NOLAN. I want to find out whether you are in the habit of drawing checks to pay your bills or not?

Mr. HORNING. Well, as I tell you, sometimes I do, and sometimes I don't.

Mr. NOLAN. In the ordinary course of business, though, do you pay by check as a matter of convenience?

Mr. HORNING. As I told you; sometimes by checks, and sometimes I pay cash.

Mr. NOLAN. Now, Mr. Horning, when did you first have a conversation with Mr. Burnstine and Mr. Heidenheimer on Mr. Davis's fee?

Mr. HORNING. I can not recall that.

Mr. NOLAN. Was it about the time of this statement, or prior to that time?

Mr. HORNING. Oh, prior to that, because they were always after me to know what Mr. Davis was going to charge.

Mr. NOLAN. They were interested in the question of his fee?

Mr. HORNING. Yes, sir.

Mr. NOLAN. When did you first find out from Mr. Davis that his fee would be $2,000?

Mr. HORNING. I could not specify any date on that. I have no recollection of that; nothing to attract my memory to that at all.

Mr. NOLAN. You paid him, as you testified here, $500 at one time?

Mr. HORNING. No; I did not say that. I said this, that I was not certain whether I paid $250 on one occasion and $250 on another occasion, or whether I paid $500 at one time. I am mixed up

whether there were three payments or two payments; I am not certain of that. If they have it that way, it is wrong.

Mr. NOLAN. Was there a $1,500 payment?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You are sure of that $1,500 payment?

Mr. HORNING. Yes; I am certain of that.

Mr. NOLAN. When was that?

Mr. HORNING. According to that receipt it was the 26th of February.

Mr. NOLAN. You paid him $1,500 on the 26th of February?

Mr. HORNING. According to that receipt; yes, sir.

Mr. NOLAN. Where did you get that money?

Mr. HORNING. Where did I get that?

Mr. NOLAN. Yes.

Mr. HORNING. That all came out of this fund.

Mr. NOLAN. But you testify you only had about $750 left in your box?

Mr. HORNING. No; I think you have that mixed up. I said this, that I always had $750 in that box. In that find settlement I used that in order to pay for these things.

Mr. NOLAN. That $750?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Where did you get the other $750?

Mr. HORNING. The other $750 all came in the same thing. The $750 belonged to the original fund.

Mr. NOLAN. That was in your box?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Where did you get the other $750 to make that final $1,500 payment?

Mr. HORNING. That is what I am telling you—Mr. Heidenheimer and Mr. Burnstine; how we fixed it up I don't know, but it was all fixed up on that date.

Mr. NOLAN. On the 18th?

Mr. HORNING. I don't know whether it was the 18th, or what it was. That receipt calls for the 18th. I don't know when that receipt was made out. I did not see that receipt made out.

Mr. NOLAN. Don't you know you paid Mr. Davis $1,500 on the 18th of February?

Mr. HORNING. No; that receipt says February 26.

Mr. NOLAN. The 26th; yes. That receipt is dated eight days after the final settlement?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Try to explain to this committee how you got that $1,500 together, with Mr. Burnstine and Mr. Heidenheimer, and made that final statement with Mr. Davis.

Mr. HORNING. Well, I can not recall. All I know is I got so much money and paid out so much money.

Mr. NOLAN. What was the last amount of money that you got from Mr. Heidenheimer?

Mr. HORNING. I do not recall it.

Mr. NOLAN. Was it $500?

Mr. HORNING. I have no idea.

Mr. NOLAN. Do you know how much you got from Mr. Burnstine in that final settlement?

Mr. HORNING. I don't know that I got anything from Burnstine. However, I might have got something from him. I don't know that.

Mr. NOLAN. Was there any money turned over to you on the day of that final settlement with Mr. Burnstine and Mr. Heidenheimer?

Mr. HORNING. I think there was; I think there was.

Mr. NOLAN. How much?

Mr. HORNING. I have no idea; no idea.

Mr. NOLAN. That was in February of this year, Mr. Horning?

Mr. HORNING. Yes.

Mr. NOLAN. You know you paid Mr. Davis the $1,500, that you testify that you paid him?

Mr. HORNING. Yes, sir.

Mr. NOLAN. How is it you can not recollect something about the payments of Mr. Heidenheimer and Mr. Burnstine to you to make up that $1,500?

Mr. HORNING. I have nothing to attract my attention to it. I did not pay any attention to it at all.

Mr. NOLAN. You knew you had to get $1,500?

Mr. HORNING. Yes, sir.

Mr. NOLAN. What conversation, if any, did you have with Mr. Burnstine and Mr. Heidenheimer on this $2,000 fee?

Mr. HORNING. From the beginning they wanted to know what the charges were going to be, and I insisted I would not ask anything about the fees.

Mr. NOLAN. When did you learn that it would be $2,000?

Mr. HORNING. Oh, that was a little before the settlement, I should judge.

Mr. NOLAN. Did you tell them on the day of this settlement that Mr. Davis's fee would be $2,000?

Mr. HORNING. I don't know about the day of the settlement; I told them before that, and they objected to it.

Mr. NOLAN. You told them on the day of the settlement, or prior to that time, it would be $2,000?

Mr. HORNING. I don't recall just when I did tell them that. I know I told them, however.

Mr. NOLAN. How is it the impression is so strong in Mr. Heidenheimer's mind that Mr. Davis's fee was to be only $1,500?

Mr. HORNING. I never told him that.

Mr. NOLAN. You are sure you told him $2,000?

Mr. HORNING. Yes, sir; I never told Mr. Heidenheimer $1,500, because I did not know.

Mr. NOLAN. Did you tell that to Mr. Burnstine, also?

Mr. HORNING. $2,000?

Mr. NOLAN. Yes.

Mr. HORNING. Yes. Mr. Davis wanted $2,500 is my recollection.

Mr. NOLAN. Mr. Burnstine and Mr. Heidenheimer have very keen hearing, have they not, when it comes to money matters?

Mr. HORNING. I don't get that.

Mr. NOLAN. I say, Mr. Burnstine and Mr. Heidenheimer are not liable to misunderstand you on a question of finances?

Mr. HORNING. No; I would not think so.

Mr. NOLAN. So that if you told them Mr. Davis's fee was $2,000 they ought to recollect it?

Mr. HORNING. I don't know why they should not. There is no reason that I can see why they shouldn't.

Mr. NOLAN. Is it not more likely that they would be more certain upon this proposition in saying that you did not tell them the amount of the fee than you are in saying you told them $2,000?

Mr. HORNING. I don't see any reason why they should be.

Mr. NOLAN. As a matter of fact, Mr. Horning, did you ever tell them anything about the amount of the fee?

Mr. HORNING. Yes.

Mr. NOLAN. And you are sure that you told them, either on the day of that final settlement or prior to that time?

Mr. HORNING. Oh; I told them prior to that. Evidently I must have told them prior to the final settlement, of course.

Mr. NOLAN. When did you first get this receipt?

Mr. HORNING. The day that I paid the money.

Mr. NOLAN. February 26?

Mr. HORNING. If that is the day I settled, that is the day I got it.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Oh, yes.

Mr. NOLAN. How is it that this receipt was produced here by Mr. Davis?

Mr. HORNING. How is that?

Mr. NOLAN. How is it that this receipt was introduced here in evidence by Mr. Davis?

Mr. HORNING. I gave it to him.

Mr. NOLAN. When did you return it to him?

Mr. HORNING. Yesterday.

Mr. NOLAN. Before you came on the stand?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Why did you not bring it here?

Mr. HORNING. I thought he was the proper person.

Mr. NOLAN. It was your receipt for money you paid out, was it not?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Why did you not produce it?

Mr. HORNING. I thought he was the proper person, and I gave it to him.

Mr. NOLAN. Why did you think he was the proper person?

Mr. HORNING. I think attorneys are always the proper persons to introduce anything. I always think that. I don't see any reason why they shouldn't be.

Mr. NOLAN. You are certain, Mr. Horning, you got this receipt on February 26?

Mr. HORNING. The day of the settlement. If that calls for February 26, why that is the day of the settlement.

Mr. NOLAN. That final statement, Mr. Horning; how did you first get that?

Mr. HORNING. I never paid any attention to any statement. Mr. Heidenheimer brought me one. I don't know whether I accepted it or paid any attention to it. I did not go over it.

Mr. NOLAN. How did you get that?

Mr. HORNING. He had it there, one for Burnstine and one for me, and he hande it to me, but I didn't pay any attention to it at all.

Mr. NOLAN. Did you take it?

Mr. HORNING. Yes, sir; I took it.

Mr. NOLAN. And you have it now, have you?

Mr. HORNING. Yes, sir. I never paid any attention to it; no, sir.

Mr. NOLAN. You testified yesterday that Mr. Heidenheimer sent you one of those?

Mr. HORNING. Did what?

Mr. NOLAN. You testified yesterday, in answer to a question, that Mr. Heidenheimer sent you one of those at the same time he sent one to the others?

Mr. HORNING. I don't think he sent it; I think he handed it to me.

Mr. NOLAN. How is it you made that statement yesterday?

Mr. HORNING. My recollection is he handed it to me, or mailed it; I don't know. I don't think he mailed it; I think he handed it to me.

Mr. NOLAN. How is it you testified yesterday he sent it to you?

Mr. HORNING. I didn't say he sent it to me. I don't remember; I said he gave me one, not that he sent it. I don't know whether he mailed it, or sent it, or handed it to me; I don't remember. I think he handed it to me, though.

Mr. NOLAN. I asked you the question: "Did you ever see that statement before?" indicating a paper in my hand. You said, "Is that the one Mr. Heidenheimer had?" I said, "Yes." You answered:

Mr. HORNING. He sent me one at the same time he sent the others one of those.

Mr. HORNING. That is correct.

Mr. NOLAN. He sent it to you, then?

Mr. HORNING. I don't know whether he sent it or handed it to me.

Mr. NOLAN. There is a difference between sending it——

Mr. HORNING. And handing it?

Mr. NOLAN. And handing it.

Mr. HORNING. I don't see any difference.

Mr. NOLAN. You do not see any difference?

Mr. HORNING. Only he might have handed it, or might have mailed it. He might have mailed it; I don't recall.

Mr. NOLAN. How is it you testified yesterday, with that receipt practically in front of you, that he sent you one of those?

Mr. HORNING. If I said that, I don't know, as I say now, whether he handed me the receipt. I wouldn't say that.

Mr. NOLAN. I asked you yesterday if, at the time you had this final settlement, you had Mr. Davis's receipt and you testified: "Yes, sir; yes, sir."

Mr. HORNING. At the time of the settlement?

Mr. NOLAN. Yes.

Mr. HORNING. You mean before I received the money from Heidenheimer?

Mr. NOLAN. At the time this statement was handed to you.

Mr. HORNING. I misconstrued that, because I did not get the receipt until after Mr. Davis was paid. I did not understand you that way. I certainly did not swear to anything like that, anyhow, because I did not get the receipt until Mr. Davis got the money.

Mr. NOLAN. I asked you yesterday also that question, and it was clear in your mind, and there was not any misunderstanding:

Mr. NOLAN. At the time that you got that statement from Mr. Heidenheimer [indicating]?
Mr. HORNING. Yes, sir.

Mr. HORNING. You mean I received one of those statements. Is that the point?

Mr. NOLAN. At the time you received this statement, the final settlement, you testified you had Mr. Davis's receipt.

Mr. HORNING. No; I did not testify to that. I could not, because I did not have it.

Mr. NOLAN. Your testimony is here to that effect.

Mr. HORNING. Then I didn't hear you.

Mr. NOLAN. And you did not change it until you saw the change of dates?

Mr. HORNING. Then I did not hear you, because I never received the receipt until after I made the payment. Mr. Davis will testify to that.

Mr. NOLAN. I am asking you to testify to that.

Mr. HORNING. I have testified.

Mr. NOLAN. You testified to certain facts here yesterday, and the questions were made very plain to you before you answered.

Mr. HORNING. I have not changed anything if I remember.

Mr. NOLAN. You testified you had that receipt before you made the final settlement with Mr. Burnstine and Mr. Heidenheimer. That was your testimony before you saw the conflict in the dates.

Mr. HORNING. I couldn't have got the receipt before I paid the money.

Mr. NOLAN. As a matter of fact, Mr. Horning, did you have that receipt on February 26 or any other time until this case was brought forward?

Mr. DAVIS. I desire, Mr. Chairman, to say——

The CHAIRMAN. One moment.

Mr. DAVIS. I desire to object to that question. It contains an insinuation that the receipt was manufactured for this case, and I invite a repetition of that insinuation outside this room——

Mr. NOLAN. That is exactly what I intended. If the gentleman objects, why any time——

The CHAIRMAN. The gentleman has a right to ask that question, of course.

Mr. NOLAN. As a matter of fact, did you ever have that receipt until this investigation started?

Mr. HORNING. I had that receipt from the date of the settlement——

Mr. NOLAN. From the date of the settlement of that matter?

Mr. HORNING. Mr. Davis—that calls for February 26, and I have had that receipt ever since until yesterday, I believe, when I gave it to Mr. Davis.

Mr. NOLAN. Then why did you testify here yesterday that you had that receipt and could not make a final settlement with Mr. Heidenheimer and Mr. Burnstine?

Mr. HORNING. I don't understand the question. If you ask me anything like that——

Mr. NOLAN. There are a good many questions you do not understand, Mr. Horning.

Mr. HORNING. Not at all, sir.

Mr. NOLAN. That is all on that score, Mr. Chairman.

The CHAIRMAN. Mr Horning, did Mr. Heidenheimer and Mr. Burnstine furnish the same proportion of the money which you loaned Mr. McDermott as they did of these other funds?

Mr. HORNING. I did not just get that right. Did Mr. Burnstine and Mr. Heidenheimer do what?

The CHAIRMAN. Furnish the same per cent of the money which you loaned Representative McDermott as they did of the other funds?

Mr. HORNING. Well, we were supposed to make that 40, 40, and 20 per cent; that was our understanding.

The CHAIRMAN. I understand. And did Mr. Heidenheimer furnish 40 per cent, and Mr. Burnstine 20 per cent of the money you loaned Mr. McDermott?

Mr. HORNING. No, sir. If I understand you right, did Mr. Heidenheimer and Mr. Burnstine have anything to do with the money Mr. McDermott owes me?

The CHAIRMAN. Yes. Did they furnish the same proportion?

Mr. HORNING. They never put a cent in that.

The CHAIRMAN. They did not pay any of that?

Mr. HORNING. No. If I understand you, you want to ascertain whether Mr. Heidenheimer and Mr. Burnstine contributed to the $1,000 Mr. McDermott owes me?

The CHAIRMAN. Yes.

Mr. HORNING. Not a cent.

The CHAIRMAN. They did not furnish any part of it, or any of the other money you loaned Mr. McDermott and which was repaid by him?

Mr. HORNING. No, sir.

The CHAIRMAN. They furnished no part of it?

Mr. HORNING. Mr. Heidenheimer has never done anything to lend Mr. McDermott to my knowledge, only what I saw in the newspapers.

The CHAIRMAN. They furnished no part of what you loaned to him?

Mr. HORNING. Absolutely none whatever, sir.

The CHAIRMAN. And you did not make any effort to collect from them any part of that which you had loaned him?

Mr. HORNING. Do I understand you want to ascertain whether I ever asked them to contribute toward that $1,000?

The CHAIRMAN. Yes; or any other fund you loaned Mr. McDermott.

Mr. HORNING. No, sir.

The CHAIRMAN. You did ask them and they did contribute to a certain fund you loaned to Mr. Schulteis, didn't they?

Mr. HORNING. I did not hear that.

The CHAIRMAN. You did ask them and they did contribute a certain proportion of a fund which you loaned to Mr. Schulteis, didn't they?

Mr. HORNING. Mr. Heidenheimer introduced me to Mr. Schulteis, and Mr. Schulteis, why, he received the money, and that was pro rated—the Schulteis money was.

The CHAIRMAN. I understand you paid Mr. Schulteis outright $200. Didn't you state that yesterday?

Mr. HORNING. My recollection is Schulteis received $200 and borrowed $100, making a total of $300.

The CHAIRMAN. Now, that loan of $100—these gentlemen shared in that, didn't they? They paid their proportion of that $100?

Mr. HORNING. Of the Schulteis——

The CHAIRMAN. Yes.

Mr. HORNING. They paid their proportion of the entire $300.

The CHAIRMAN. That is what I mean. Was that the $200 that was paid him outright and $100 loaned him which has not been repaid?

Mr. HORNING. My recollection is I turned those amounts over to Mr. Heidenheimer for cash—that $100 and notes.

The CHAIRMAN. Did you turn it over to him for cash?

Mr. HORNING. I counted it the same as cash; yes, sir.

The CHAIRMAN. That you had paid out?

Mr. HORNING. Mr. Schulteis, if I remember correctly, received $200. Then he borrowed $100, making a total of $300 charged to this fund.

The CHAIRMAN. Did Mr. Burnstine have anything to do with the employment of Mr. Schulteis in any way?

Mr. HORNING. Mr. Burnstine what?

The CHAIRMAN. Did he have anything to do with the employment of Mr. Schulteis?

Mr. HORNING. He recommended him.

The CHAIRMAN. Mr. Burnstine did?

Mr. HORNING. I saw Mr. Burnstine and asked him about Mr. Schulteis.

The CHAIRMAN. Before he was employed?

Mr. HORNING. Yes. He told me that as far as he knew Mr. Schulteis was a perfect gentleman and worthy of consideration. I don't know that Mr. Burnstine knew that or heard afterwards or not, but I was not supposed to be bothered with little details at all.

The CHAIRMAN. You were not supposed to be bothered with the little detail of whom you should hire?

Mr. HORNING. I did not get that.

The CHAIRMAN. I say you were not supposed to be bothered with such little details as whom you would hire to do the work.

Mr. HORNING. No; I told them I did not care to be bothered with little details; I was too busy, and I did not report every little detail.

The CHAIRMAN. And you do not know whether you reported to Mr. Burnstine that you had employed Mr. Schulteis or not?

Mr. HORNING. Oh, I think incidentally I had Schulteis engaged. I am not certain whether I told him that or not, but I would think so.

The CHAIRMAN. Mr. Horning, from what other parties did you get funds while this bill was up?

Mr. HORNING. From the pawnbrokers?

The CHAIRMAN. How is that?

Mr. HORNING. You mean the pawnbrokers?

The CHAIRMAN. No; any other parties.

Mr. HORNING. I would have to stop to think of that a whole lot. I have no——

The CHAIRMAN. All right.

Mr. HORNING. I would not want to answer positively on that.

The CHAIRMAN. You did get some other funds?
Mr. HORNING. Yes, sir.
The CHAIRMAN. From whom?
Mr. HORNING. Well, I did not come prepared to answer such a question. I would only have to guess at things.
The CHAIRMAN. Do you remember any particular person?
Mr. HORNING. I remember some names.
The CHAIRMAN. All right; give them.
Mr. HORNING. Mr. Masters—J. S. Masters.
The CHAIRMAN. Who is he?
Mr. HORNING. A money lender.
The CHAIRMAN. In this city?
Mr. HORNING. Yes, sir.
The CHAIRMAN. How much did you get from him?
Mr. HORNING. Well, I can not say. I did not keep any books on that matter.
The CHAIRMAN. All right; go ahead. Who else?
Mr. HORNING. I would assume, or judge, that I got from Mr. Masters—oh, probably $750 to $800, or something of that kind; I do not know. You understand, these amounts now I am not swearing to be correct.
The CHAIRMAN. You have a record of them?
Mr. HORNING. No, sir; I never kept any books of any money I collected.
The CHAIRMAN. Go ahead; give the name of the next person now.
Mr. HORNING. I received some money from Mr. Kase.
The CHAIRMAN. What Kase?
Mr. HORNING. I think his name is A. Kase.
The CHAIRMAN. And what is his business?
Mr. HORNING. Same line.
The CHAIRMAN. Here in the city?
Mr. HORNING. Yes, sir.
The CHAIRMAN. All right; now another.
Mr. HORNING. I beg pardon.
The CHAIRMAN. Who else?
Mr. HORNING. I think Mr. Bishop.
The CHAIRMAN. Do you know what amount you got from Mr. Kase?
Mr. HORNING. No; I do not.
The CHAIRMAN. What is your best recollection about that?
Mr. HORNING. I think about $790—$700 to $800, or along there.
The CHAIRMAN. Now, Mr. Bishop; what are the initials of Mr. Bishop?
Mr. HORNING. I think Mr. Bishop gave $1,000.
The CHAIRMAN. What is Mr. Bishop's given name, or his initials?
Mr. HORNING. I beg pardon.
The CHAIRMAN. What are Mr. Bishop's initials?
Mr. HORNING. William.
The CHAIRMAN. Who else?
Mr. HORNING. A Mr. Watt.
The CHAIRMAN. Give his full name, if you can.
Mr. HORNING. I do not know Mr. Watt's initials.
The CHAIRMAN. Do you know what his given name is?

Mr. HORNING. I beg pardon.
The CHAIRMAN. What is his given name?
Mr. HORNING. I say I don't know; I don't recall.
The CHAIRMAN. How much did you get from him? About how much?
Mr. HORNING. I do not know. I think about $2,000.
The CHAIRMAN. He is in the loan business, or was in the loan business, here in the city?
Mr. HORNING. No; he is in Philadelphia.
The CHAIRMAN. Was he at that time?
Mr. HORNING. Some place on Chestnut Street.
The CHAIRMAN. Was he at Philadelphia then?
Mr. HORNING. I beg pardon.
The CHAIRMAN. Was he in Philadelphia then or here?
Mr. HORNING. Philadelphia is his residence, and his place of business also.
The CHAIRMAN. But at the time this bill was up was he then living in Philadelphia?
Mr. HORNING. Yes, sir.
The CHAIRMAN. What was his interest in this bill here?
Mr. HORNING. He had an interest here.
The CHAIRMAN. He had an interest here? Now, what about Mr. Bishop? Did he live here in this city?
Mr. HORNING. Yes, sir.
The CHAIRMAN. All right. Who else?
Mr. HORNING. I beg pardon.
The CHAIRMAN. Who else?
Mr. HORNING. Mr. Wall.
The CHAIRMAN. Do you remember his name?
Mr. HORNING. I do not know his name; only Mr. Wall.
The CHAIRMAN. Where does he live?
Mr. HORNING. I do not know; he is in Chicago some place.
The CHAIRMAN. Did he live here at that time?
Mr. HORNING. No, sir.
The CHAIRMAN. He lived in Chicago at that time?
Mr. HORNING. How?
The CHAIRMAN. Did he live in Chicago at that time?
Mr. HORNING. Yes.
The CHAIRMAN. How came he to contribute to this fund?
Mr. HORNING. He has interests here.
The CHAIRMAN. He has interests here in the loan business?
Mr. HORNING. Yes, sir.
The CHAIRMAN. How much did he give?
Mr. HORNING. I think $2,000.
The CHAIRMAN. All right. Who else?
Mr. HORNING. What.
The CHAIRMAN. And who else?
Mr. HORNING. Myself at the time. I put in the fund.
The CHAIRMAN. You put some into that fund also, did you?
Mr. HORNING. Yes, sir.
The CHAIRMAN. How much?
Mr. HORNING. Between $1,200 and $1,500.
The CHAIRMAN. Who else?

Mr. HORNING. I asked a lot more, but I can not say I got any more; I can not recall any more.

The CHAIRMAN. Is this all you remember having raised outside the amount you raised from the pawnbrokers?

Mr. HORNING. That is all I can think of now. You see, this is all—I have not gone over those details at all. I do not know; these amounts are as near as I can remember.

The CHAIRMAN. I understand. About when was this money raised, Mr. Horning?

Mr. HORNING. Oh, in the last couple of years.

The CHAIRMAN. Raised in the year 1911?

Mr. HORNING. What?

The CHAIRMAN. Raised in the years 1911 and 1912?

Mr. HORNING. I think so; yes, sir.

The CHAIRMAN. When did you first start to raise this? Do you remember?

Mr. HORNING. My recollection is 1911.

The CHAIRMAN. Was it all running along about the same time with the pawnbroker fund?

Mr. HORNING. No; before the pawnbroker fund.

The CHAIRMAN. Oh, you began raising this prior to the time the pawnbroker fund was raised?

Mr. HORNING. I think so; yes.

The CHAIRMAN. And you say now these are all the names you can remember who contributed to that fund outside of the pawnbrokers?

Mr. HORNING. I did not hear that.

The CHAIRMAN. Do you say now that these names you have mentioned here are all that you can remember who contributed to this fund outside of the pawnbrokers?

Mr. HORNING. That is all I can recall; yes, sir.

The CHAIRMAN. Now, whom else did you call on and ask for contributions to this fund?

Mr. HORNING. I think I called on very nearly everyone in the city. I do not know that I left any of them out without calling on them.

The CHAIRMAN. What particular class of business were these gentlemen doing?

Mr. HORNING. Well, it is commonly known as chattle-mortgage business.

The CHAIRMAN. Loaning money on chattel mortgages?

Mr. HORNING. Sir?

The CHAIRMAN. Loaning money and taking chattel mortgages as security?

Mr. HORNING. Yes.

The CHAIRMAN. What did you do with this money? Was this money paid to you?

Mr. HORNING. Yes, sir.

The CHAIRMAN. What did you do with it?

Mr. HORNING. I as not positive whether I have $5,000 or $5,500 on hand. I have between $5,000 and $5.500 in cash on hand.

The CHAIRMAN. You have that much left?

Mr. HORNING. I have it in my private box.

The CHAIRMAN. Did you do this business through a bank?

Mr. HORNING. What is that?

The CHAIRMAN. How much of this did you deposit in a bank?

Mr. HORNING. Never any of it deposited in a bank.

The CHAIRMAN. All held in your private box?

Mr. HORNING. Yes; I never mixed this matter up with my business affairs at all.

The CHAIRMAN. What did you do with that part over and above the amount you have now on hand?

Mr. HORNING. I did not get that; I don't understand you.

The CHAIRMAN. The amount you have testified to, Mr. Horning, totals somewhere near $8,000 that was subscribed by gentlemen doing a chattel mortgage loan business. You say you have from $5,000 to $5,500 in your private box now in cash?

Mr. HORNING. That is my recollection; yes, sir.

The CHAIRMAN. Now, I want to know, first, what was done with the other $2,500?

Mr. HORNING. Mr. Davis got $2,000.

The CHAIRMAN. Or $3,500, as the case may be.

Mr. HORNING. $3,500?

The CHAIRMAN. $2,500 or $3,500, as the case may be.

Mr. HORNING. Let me see those figures, please.

The CHAIRMAN. It totals about $8,000. [Exhibiting a paper to the witness.] All right, about $8,000, and you say you have $5,000 to $5,500 of this in cash on hand that has not been expended at all.

Mr. HORNING. Yes; that is right.

The CHAIRMAN. What about the balance? What about the other? What was done with that?

Mr. HORNING. I would have to stop to think of that——

The CHAIRMAN. All right, think as quickly as you can.

Mr. HORNING. I know Mr. Davis got $2,000.

The CHAIRMAN. What is that?

Mr. HORNING. I know Mr. Davis got $2,000.

The CHAIRMAN. Mr. Henry E. Davis?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Have you a receipt for that?

Mr. HORNING. No, sir.

The CHAIRMAN. When did he get that?

Mr. HORNING. I could not say; it was during 1911; some time during 1911.

The CHAIRMAN. Is that an additional $2,000 to the $2,000 that was paid him by the pawnbrokers? I say, is that an additional $2,000 to the $2,000 that was paid him by the pawnbrokers?

Mr. HORNING. That would mean a total of $4,000?

The CHAIRMAN. A total of $4,000. Well, what became of the other?

Mr. HORNING. I used $500 toward our case in court now. We have a bill in court to attempt to declare this law unconstitutional, and I used $500 towards that.

The CHAIRMAN. In what way, Mr. Horning, was that $500 used in court?

Mr. HORNING. In counsel fees.

The CHAIRMAN. In counsel fees?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Who represents you in that case?

Mr. HORNING. Tucker, Kenyon & Macfarland and Mr. Bailey.
The CHAIRMAN. And they got a fee of $500?
Mr. HORNING. No; they got a fee of $1,000.
The CHAIRMAN. Has that all been paid to them?
Mr. HORNING. What?
The CHAIRMAN. Has that fee all been paid?
Mr. HORNING. What fee?
The CHAIRMAN. The $1,000 fee.
Mr. HORNING. Yes.
The CHAIRMAN. That has all been paid?
Mr. HORNING. The $1,000?
The CHAIRMAN. Yes.
Mr. HORNING. That is all paid, and there will be more paid eventually.
The CHAIRMAN. How much to each, Mr. Horning?
Mr. HORNING. Sir?
The CHAIRMAN. How much to each firm of attorneys?
Mr. HORNING. I do not get that——
The CHAIRMAN. You say you have paid $500; is that right?
Mr. HORNING. Of that fund?
The CHAIRMAN. Out of this fund. And you have paid $500 more out of some other fund, have you?
Mr. HORNING. No; not out of any fund.
The CHAIRMAN. Well, have you paid it personally?
Mr. HORNING. I paid $250 of it; that made $750.
The CHAIRMAN. Where did the other $250 come in?
Mr. HORNING. Mr. Burnstine.
The CHAIRMAN. Mr. Burnstine paid that?
Mr. HORNING. This was all separate from the other fund. Don't get that mixed up now.
The CHAIRMAN. This was separate from the pawnbroker fund, about which we have been talking?
Mr. HORNING. That is right.
The CHAIRMAN. You say this firm of Tucker, Kenyon & Macfarland—this $1,000 fee that has been paid to them has been for their work done in court on the bill?
Mr. HORNING. For the bill pending in court now.
The CHAIRMAN. For the litigation that is now pending in court testing the constitutionality of the act?
Mr. HORNING. Yes, sir.
The CHAIRMAN. And it does not pay them for any work done other than that? Is that correct? It does not pay for them for any work other than that?
Mr. HORNING. No; because the case is not finished yet. We have an agreement on that case now.
The CHAIRMAN. Now, who else do you say was employed? What other firm do you say was employed?
Mr. HORNING. Firms?
The CHAIRMAN. Yes; firms or persons? Who else is employed to represent you in the case besides Tucker, Kenyon & Macfarland?
Mr. HORNING. In this case?
The CHAIRMAN. In this litigation; yes.
Mr. HORNING. Well, that is all.

The CHAIRMAN. Did you say something about Mr. Bailey being employed?

Mr. HORNING. Yes, sir; that is the same firm—Tucker, Kenyon & Macfarland and Mr. Bailey, as I understand, is all one firm.

The CHAIRMAN. What Bailey is that?

Mr. HORNING. Mr. Bailey sitting right there—Mr. E. S. Bailey.

The CHAIRMAN. Now, Mr. Horning, how long have you had this $5,500 in your safe?

Mr. HORNING. Oh, the last couple of years.

The CHAIRMAN. What are you holding that for?

Mr. HORNING. Just in that box, that is all.

The CHAIRMAN. I understand it is in the box all right, but what are you holding it for? What do you intend to do with it?

Mr. HORNING. Oh, I am going to fight this legislation. I am not going to stop. I am going to keep right along on it. I have it for that purpose, and if I fail in this I am going to introduce another bill. I am not going to stop now until I know positively this bill is unconstitutional. I have always told you I felt I have not been treated fairly, and I am going to try to save my business if I can.

The CHAIRMAN. You propose to use it in litigation over this question, if I understand you correctly?

Mr. HORNING. I am awfully sorry you have to ask——

The CHAIRMAN. You propose to use it in litigating this question?

Mr. HORNING. Absolutely.

The CHAIRMAN. That $2,000 that was paid to Mr. Davis—what was that paid for?

Mr. HORNING. Services.

The CHAIRMAN. What character of services?

Mr. HORNING. Legal services.

The CHAIRMAN. In the courts?

Mr. HORNING. No, sir.

The CHAIRMAN. Before Congress?

Mr. HORNING. Yes, sir.

The CHAIRMAN. Before the committees of the House and Senate——

Mr. HORNING. Well, Mr. Davis—I don't know what a lawyer does in those things. They call on Members or write them—the regular routine in a lawyer's profession.

The CHAIRMAN. This fund was kept entirely separate, Mr. Horning, was it, from the pawnbrokers' fund?

Mr. HORNING. Absolutely.

The CHAIRMAN. And different accounts were kept about that from what were kept of the pawnbrokers' fund?

Mr. HORNING. Two separate accounts altogether, sir.

The CHAIRMAN. When was Mr. Davis first employed by the note brokers?

Mr. HORNING. I can not guess that; I don't know.

The CHAIRMAN. Who employed him, Mr. Horning?

Mr. HORNING. I did.

The CHAIRMAN. You did? Did you have exclusive control of the employment of attorneys and exclusive direction of the fight against this legislation?

Mr. HORNING. I didn't quite get that. Did I have absolute authority to hire them? Yes, sir.

The CHAIRMAN. You had absolute authority from the gentlemen who contributed?

Mr. HORNING. Any way I saw fit; yes, sir.

The CHAIRMAN. You were placed in general charge of the fight on this legislation? You were placed in general charge of the fight waged upon this legislation?

Mr. HORNING. I was really instrumental in getting this fund up, seeing the boys and looking out for our interests.

The CHAIRMAN. And they told you to do whatever you chose about it?

Mr. HORNING. What?

The CHAIRMAN. They told you to exercise your own discretion?

Mr. HORNING. It has always been that way. I would not be bothered with little details and things of that kind.

The CHAIRMAN. I understand. How long has this so-called loan-shark legislation been threatened here seriously?

Mr. HORNING. Oh, seriously since 1911, is my opinion.

The CHAIRMAN. Bills had been introduced prior to that time?

Mr. HORNING. Sir?

The CHAIRMAN. Bills had been introduced prior to that time?

Mr. HORNING. Yes.

The CHAIRMAN. But you never took them seriously?

Mr. HORNING. I never took any great interest in them. However, I gave some money toward it, but I did not get really interested in the thing.

The CHAIRMAN. You gave some money toward it prior to that time—prior to 1911?

Mr. HORNING. Prior to what?

The CHAIRMAN. Prior to 1911. Before 1911 you gave some money to it—to a fund for that purpose?

Mr. HORNING. Well, on that occasion ex-Senator Thurston was engaged to look out for the interests, but I did not know a great deal about that. I know I gave some money and that is all.

The CHAIRMAN. Who had charge of that?

Mr. HORNING. I do not know.

The CHAIRMAN. You did not?

Mr. HORNING. I did not; no.

The CHAIRMAN. You contributed, but you did not have charge of the thing?

Mr. HORNING. I gave some money, but I did not know——

The CHAIRMAN. Do you know how much you contributed at that time?

Mr. HORNING. I would not like to swear to that.

The CHAIRMAN. Have you any recollection about how much?

Mr. HORNING. Oh, I don't know; probably $300 to $500.

The CHAIRMAN. How long has that been?

Mr. HORNING. What?

The CHAIRMAN. How long ago was that?

Mr. HORNING. I would not want to say that; I don't know.

The CHAIRMAN. Do you remember about how long?

Mr. HORNING. My recollection is about the time Representative Smith introduced his bill. If you can tell me when that was, I think that was the time.

The CHAIRMAN. I do not happen to remember personally when it was. I think it was eight years ago.

Mr. HORNING. That is my recollection—when Representative Smith introduced the bill. I am not positive of that.

The CHAIRMAN. Now, was there any other class of money brokers included in this bill except those who loaned on chattle mortgage and the pawnbrokers?

Mr. HORNING. That is all.

The CHAIRMAN. No other classes were included in the bill?

Mr. HORNING. That is all.

The CHAIRMAN. And these are all the funds you collected?

Mr. HORNING. That is all.

The CHAIRMAN. Did you contribute anything to any campaign fund out of this note brokers' fund?

Mr. HORNING. Do what?

The CHAIRMAN. Contribute to any campaign fund out of this note brokers' fund?

Mr. HORNING. Campaign funds?

The CHAIRMAN. Yes.

Mr. HORNING. No.

The CHAIRMAN. You say you contributed $500 out of the pawnbrokers' fund to the campaign fund?

Mr. HORNING. Yes, sir.

The CHAIRMAN. You did not contribute anything out of this chattel-mortgage fund, as I will designate it?

Mr. HORNING. No—you mean, make up that $825?

The CHAIRMAN. How is that?

Mr. HORNING. You mean, make up that $825?

The CHAIRMAN. Oh, anything; did you contribute anything?

Mr. HORNING. No; I did not contribute any of that; no, sir.

The CHAIRMAN. Did you contribute any of that to a campaign fund?

Mr. HORNING. No.

The CHAIRMAN. How did it happen, Mr. Horning, that you took out of the pawnbrokers' funds $500 when there was only $3,700 and something of that raised, and took nothing out of the $8,000 of chattel-mortgage funds to contribute to the campaign fund? I say, how did that happen? Why did you——

Mr. HORNING. I could see, from the sentiment of Congress, that the loan-shark bill proper was a dead issue, and that there was no use wasting time on that, and I threw all my energy to save the pawn shop. I saw there was no question about the other bill; it was gone; a blind man could see that.

The CHAIRMAN. And you thought that by contributing out of the pawnbrokers' fund you might perhaps aid somewhat in securing the exclusion of the pawnbrokers from that bill? Is that correct?

Mr. HORNING. No, sir; that is not. I never said that.

The CHAIRMAN. I am asking you whether or not that was your reason for contributing.

Mr. HORNING. I say, I did not say that.

The CHAIRMAN. I know you did not say that, but I am asking you now what your reason was?

Mr. HORNING. No, sir; the campaign contribution—would you like to know how I came to do that?

The CHAIRMAN. Yes; I would like to know why.

Mr. HORNING. After receiving several communications from headquarters in New York asking to make a contribution, and also a letter stating that Mr. Costello and Mr. Davis would call on me, Mr. Davis did not call; but Mr. Costello did call and asked me to do all I could to raise a contribution for the fund; that they were in need of money, and anything I did they would appreciate, and I went to work on it. I had no understanding I would receive any favors for it whatever; Mr. Costello did not intimate that in any way, shape, or form.

The CHAIRMAN. I understand you had no understanding of that sort, but you said a moment ago, when I asked you why it was you did not contribute out of this $8,000 that was under your control, raised from the chattel-mortgage people, you said that you saw that the loan-shark feature of the bill was settled; that there was no use to fight on that any more, and that you would devote your efforts then——

Mr. HORNING. If you take it that I meant that is the reason, you have misconstrued it.

The CHAIRMAN. I am not meaning to——

Mr. HORNING. I did not give it to you in that light at all; I did not mean to be understood in that light. What I meant by that was this, that the loan-shark feature—or the note business and the chattel mortgage—was hopeless, and therefore I do not put any energy into that.

The CHAIRMAN. Is that the reason why you did not contribute anything out of this fund to the campaign fund?

Mr. HORNING. No; I was not spending any of the money of that fund. That was practically forgotten. The pawnbrokers were working on the loan-shark bill proper. I could not find attorneys that cared to take up the loan-shark bill in that late stage. Probably in that late stage they did not care to have anything to do with it.

The CHAIRMAN. Thought it was hopeless; that it was a hopeless case?

Mr. HORNING. What is that?

The CHAIRMAN. They thought it was a hopeless case?

Mr. HORNING. I do not know whether they thought it was hopeless or if they did not want their names connected with it; but I could not get them to do anything with it.

The CHAIRMAN. Mr. Horning, what did Mr. Davis do—Mr. Henry E. Davis—for this $2,000 paid him out of the chattel-mortgage fund?

Mr. HORNING. He acted in the capacity of an attorney.

The CHAIRMAN. What did he do? Did he appear before committees of Congress?

Mr. HORNING. No; I can not say.

The CHAIRMAN. Did he prepare a brief?

Mr. HORNING. Oh, yes. He saw different Members. I heard him dictate letters on numerous occasions and things of that kind.

The CHAIRMAN. Letters to whom?

Mr. HORNING. What is that?

The CHAIRMAN. Letters to whom?

Mr. HORNING. Well, I do not know whether they were to Members of the Senate or to Members of the House. I do not recollect. I do not recall the names.

The CHAIRMAN. He had general charge of the fight against it?

Mr. HORNING. He had to look out for the interests, my interests.

The CHAIRMAN. Did you ever loan anybody any money out of this fund?

Mr. HORNING. No, sir.

The CHAIRMAN. It has just been right there in your safe, all the time, has it?

Mr. HORNING. The money is still there. If I were to put that money in bank, you could go into the banking office and get the record of it. There were no secrets about it. I just want to make that explanation, to make it clear.

The CHAIRMAN. Any explanation you wanted to make——

Mr. HORNING. I did not care to mix this business with my regular business. I did not want to mix them up, and I wanted to keep that cash separate. There were no checks drawn on it.

The CHAIRMAN. You might have put it in some other bank with which you were not accustomed to do business?

Mr. HORNING. What is that?

The CHAIRMAN. I say, you might have put it with some other bank with which you were not accustomed to do business; you might have put it there if you desired to do so.

Mr. HORNING. I did not care to do that.

The CHAIRMAN. That, of course, was your business.

Mr. HORNING. What is that?

The CHAIRMAN. You had a right to hold it in your safe or put it in the bank, if you wanted to.

Mr. HORNING. I carry thousands of dollars worth of stuff in there, my own money.

The CHAIRMAN. Mr. Horning, what was the largest amount that you ever had at any one time in your possession, collected on this chattel-mortgage fund?

Mr. HORNING. Well, according to those figures there, I must have had $8,000.

The CHAIRMAN. Do you remember personally how much you had?

Mr. HORNING. No.

The CHAIRMAN. You never counted it up?

Mr. HORNING. I got this money at different times, and things of that kind, collected it at different times. I did not get it all at one time.

The CHAIRMAN. I am asking you what was the largest amount you ever had at any one time?

Mr. HORNING. I could not answer that.

The CHAIRMAN. Why? Did you not have a receipt from Mr. Davis for this $2,000, as you did for the other moneys?

Mr. HORNING. I have never in my life taken a receipt from him excepting this one, and he and I have done business together for 15 or 20 years.

Mr. RUSSELL. You have stated that you were badly treated about this pawnshop bill.

Mr. HORNING. In my estimation, that is right, sir.

Mr. RUSSELL. I want you to state who mistreated you.

Mr. HORNING. I think the entire District Committee did.

Mr. RUSSELL. It was the District Committee that mistreated you?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Well, how did they mistreat you?

Mr. HORNING. They did not give my attorneys an opportunity to in any way explain the situation properly. My recollection is it was less than 10 minutes' argument that they allowed, and postponed the meeting, and said that Mr. Tucker should have another hearing. Instead of giving him another hearing they went on into Congress and introduced the bill. He never got the second hearing which he was promised.

Mr. RUSSELL. That is the way they mistreated you?

Mr. HORNING. I feel that was, sir. I think if they had taken more interest in it and let Mr. Tucker explain the true conditions of the business, and had given it more consideration, they would not have passed that bill in the form in which it was passed.

Mr. RUSSELL. While I think of it, I want to ask you about the cash money in your box. Is that cash, or notes, or checks?

Mr. HORNING. All cash.

Mr. RUSSELL. All cash. Do you know the exact amount of that?

Mr. HORNING. I should say between $5,000 and $5,500.

Mr. RUSSELL. If the committee wanted to send the Sergeant-at-Arms down there with you at noon to count it, so that we would get at it exactly, would you object to that?

Mr. HORNING. I have no objection at all. I am perfectly willing to go now, if you choose.

Mr. RUSSELL. I want to ask you about this trip to New York. Who paid the expenses of Mr. McMichael on that trip to New York?

Mr. HORNING. As I tried to explain yesterday, on that I can not say positively. Whether McMichael, on that particular occasion when we met there by accident, whether he made a special trip after that. I did allow him once $50. My opinion is he went specially, without myself or anyone else.

Mr. RUSSELL. You did allow him $50 at one time?

Mr. HORNING. Yes, sir; I did allow him $50 at one time for his expenses.

Mr. RUSSELL. The time you and Mr. McDermott and Mr. McMichael were at the Navarre Hotel together, concerning which you testified yesterday; did you pay any part of their expenses on that trip?

Mr. HORNING. Not to my knowledge.

Mr. RUSSELL. Not to your knowledge?

Mr. HORNING. What do you mean; the railroad fare and such things?

Mr. RUSSELL. Well, hotel bills——

Mr. HORNING. No.

Mr. RUSSELL. You did not?

Mr. HORNING. I might have had lunch or dinner, and I might have paid for that. I do not know whether I did or not. I am not

positive on that. I do not know that we even had dinner or lunch. I do not recall that.

Mr. RUSSELL. How did it happen that you secured a room adjoining their room? Did you ask for it?

Mr. HORNING. No, sir; I did not.

Mr. RUSSELL. You do not know how it happened?

Mr. HORNING. I never stopped at that hotel before. I do not know where that hotel is for certain. I think it is on Sixth Avenue and Fiftieth Street. I always put up at the Victoria Hotel.

Mr. RUSSELL. That is the first time you ever stopped at that hotel, the Navarre Hotel?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. And you stopped there that time because Mr. McDermott and Mr. McMichael went there and asked you to go there?

Mr. HORNING. No. My recollection is this, that they said, "What is the use of going to the Victoria; come up with us."

Mr. RUSSELL. Where did you see them to be invited to go up there with them?

Mr. HORNING. I am not clear on that. I have no recollection. I have tried to straighten that out, but I can not do it.

Mr. RUSSELL. Were they to go there before you got there?

Mr. HORNING. What is that?

Mr. RUSSELL. Were they there one day before you got there, or did you all go there at the same time?

Mr. HORNING. I can not recall. I do not know.

Mr. RUSSELL. You can not tell?

Mr. HORNING. I do not know.

Mr. RUSSELL. When you were in that hotel you sent three telephone messages to some one, did you not?

Mr. HORNING. I do not think so.

Mr. RUSSELL. You do not think so.

Mr. HORNING. No, sir.

Mr. RUSSELL. Are you certain you did not?

Mr. HORNING. I think I sent a telegram home stating where I was; that I was at the Navarre instead of at the Victoria.

Mr. RUSSELL. That was a telegram. I am speaking about telephone messages there in the city.

Mr. HORNING. Where do you mean, in the hotel?

Mr. RUSSELL. Out in the city somewhere. The price of a telephone message in New York from a hotel out into the city is 10 cents, is it not?

Mr. HORNING. Not that I know of.

Mr. RUSSELL. Did you not pay 30 cents to that hotel for three telephone messages?

Mr. HORNING. I can not recall it.

Mr. RUSSELL. You can not recall it?

Mr. HORNING. No, sir.

Mr. RUSSELL. Did you not telephone to John McDermott and make an engagement for you and Congressman McDermott and McMichael to meet him at his office?

Mr. HORNING. John McDermott?

Mr. RUSSELL. Yes, sir.

Mr. HORNING. I might have done that, but I do not recall it now.

Mr. RUSSELL. Whom else may you have telephoned to?

Mr. HORNING. I can not recall.

Mr. RUSSELL. You do not think, then, that you may have telephoned and made an engagement for you and Congressman McDermott and McMichael to call at John McDermott's office?

Mr. HORNING. I do not think so.

Mr. RUSSELL. How did you make the engagement to call on him?

Mr. HORNING. If you take it that way, I would presume I called up to see whether he was there, but I do not know; I do not recollect.

Mr. RUSSELL. Then you may have called him?

Mr. HORNING. I might have. Every time I might have gone to New York I usually called up to see if he was there.

Mr. RUSSELL. Did you see the register of the names of Mr. McDermott and Mr. McMichael?

Mr. HORNING. No, sir; I did not.

Mr. RUSSELL. Do you know whether or not it is true that Mr. McDermott was registered there in the name of J. T. McDougall?

Mr. HORNING. I do not know anything about that.

The CHAIRMAN. You do not know whether it was so or not? You did not look at the register?

Mr. HORNING. No; I never look at a record in a hotel.

Mr. RUSSELL. Do you know whether you left the hotel before they did or afterwards?

Mr. HORNING. I left afterwards, if I remember correctly.

Mr. RUSSELL. Did you come home together?

Mr. HORNING. No, sir.

Mr. RUSSELL. You did not?

Mr. HORNING. No, sir.

Mr. RUSSELL. I want to ask you about one item, concerning which no questions have been asked you yet. Do you remember on one occasion when Mr. McDermott was in Chicago of Mr. McMichael going to you to borrow $125 for Mr. McDermott?

Mr. HORNING. My recollection is this, that McMichael came in my office with a telegram or a letter, something to that effect, and claimed that Mr. McDermott had a draft or check that was due, and asking McMichael to see that it was paid. McMichael did not have the money; he wanted me to put up the money; I refused; I told him I was not going to do anything of the kind. Then McMichael said how could be get the money. I said if he had some jewelry I might help him out and give him a loan on that. He put up the jewelry. My recollection is that I gave him $50.

Mr. RUSSELL. Then did you not tell him you would lend him another $50 if he would sign McDermott's name and his name to a note?

Mr. HORNING. No; I do not do things like that.

Mr. RUSSELL. Do you now deny that that took place?

Mr. HORNING. I ask a man to commit forgery?

Mr. RUSSELL. You knew that McMichael was McDermott's confidential secretary?

Mr. HORNING. That would not be worth the paper it was written on.

Mr. RUSSELL. You knew he was the confidential secretary of Mr. McDermott?

Mr. HORNING. No confidential secretary has a right to sign a man's name.

Mr. RUSSELL. You did let McMichael have $50 at that time on his jewelry?

Mr. HORNING. I think it was $50; I would not swear positively.

Mr. RUSSELL. Was that ever paid back to you?

Mr. HORNING. That jewelry was, according to his statement, taken out. I can not refresh my memory on it at all.

Mr. RUSSELL. I will ask you if Mr. McDermott did not tell you to release that jewelry to McMichael and you did so without the payment of the $50?

Mr. HORNING. Well, to be perfectly frank, I did not know the jewelry came in, and I can not recall its going out.

Mr. RUSSELL. You knew it did go out?

Mr. HORNING. I would not swear point-blank it is out now.

Mr. RUSSELL. Would not your books show a transaction like that?

Mr. HORNING. I could look the matter up from now until Christmas and I might not be able to find it.

Mr. RUSSELL. You do not deny that jewelry was given back to McMichael?

Mr. HORNING. How is that?

Mr. RUSSELL. You do not deny that jewelry was given back to McMichael?

Mr. HORNING. You mean what he put up?

Mr. RUSSELL. Yes.

Mr. HORNING. Only from what I read in the newspapers.

Mr. RUSSELL. If it was given back to him, did you ever get the $50 back in cash?

Mr. HORNING. I would think so; but I do not know that.

Mr. RUSSELL. You may have given the jewelry back without that cash?

Mr. HORNING. No; I do not mean that.

Mr. RUSSELL. What do you mean?

Mr. HORNING. If that jewelry went out of there somebody paid for it; either Mr. McMichael or Mr. McDermott.

Mr. RUSSELL. Did you not, when you released that jewelry to McMichael, tell him to sign a receipt for $50 for services before releasing it?

Mr. HORNING. I do not think he gave me a receipt for that; but he did give me a receipt.

Mr. RUSSELL. For what?

Mr. HORNING. His receipt read for services rendered in New York, $50.

Mr. RUSSELL. That was for services rendered in New York?

Mr. HORNING. He gave me a receipt for it.

Mr. RUSSELL. How long before that had he rendered that service in New York?

Mr. HORNING. I could not answer.

Mr. RUSSELL. When he gave you the receipt for $50, did you give him the cash or surrender his jewelry?

Mr. HORNING. I just told you I can not remember the jewelry going out. I do not know how it got out.

Mr. RUSSELL. You know that when he gave you the receipt for that $50 you did not give him cash?

Mr. HORNING. My recollection is that I gave him the $50, but I would not swear about that.

Mr. RUSSELL. You won't swear certainly about that? You are not certain about it?

Mr. HORNING. I feel quite certain about it.

Mr. RUSSELL. Your books do not show any transaction like that at all?

Mr. HORNING. No.

Mr. RUSSELL. They do not show anything about it at all?

Mr. HORNING. No.

Mr. RUSSELL. Are you certain that Mr. McDermott did not talk to you about releasing that jewelry?

Mr. HORNING. No. I tell you I can not remember the jewelry going out of there. If you were to swear point-blank, now that the jewelry is out, I could not recall when it was taken out.

Mr. RUSSELL. I will ask you if you remember another occasion when Mr. McMichael borrowed $20 from you, after that time?

Mr. HORNING. I loaned him that; yes, sir.

Mr. RUSSELL. Has that ever been paid?

Mr. HORNING. No, sir.

Mr. RUSSELL. Never been paid?

Mr. HORNING. No, sir.

Mr. RUSSELL. Did you send a boy up to collect it from Mr. McMichael on one occasion?

Mr. HORNING. I suppose on numerous occasions. I do not know how many times he called there. He might have called there a dozen or fifty times.

Mr. RUSSELL. Did he give you any security for that $20?

Mr. HORNING. No, sir.

Mr. RUSSELL. You loaned that without security?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Do you remember hearing this boy say when he came back that McDermott told him to charge that $20 to profit and loss on the pawnbroker's bill?

Mr. HORNING. Now, I do not know whether I called McMichael's attention to that $20 on one occasion, or whether I sent a collector; I think that I said to him, "Mack, what about that $20"? He langhed and said, "Forget it," or something to that effect, or whether I sent a collector, and he reported back that he had been told to charge it to profit and loss. I do not know.

Mr. RUSSELL. Did he say profit and loss on the pawnbrokers' bill?

Mr. HORNING. No; there was nothing like that said. I do not recollect anything like that. He laughed it off. I do not know how he explained that thing. My recollection is that I asked him about the $20 and that he laughed and said to charge it to profit and loss, or something like that.

Mr. RUSSELL. You have not asked him for it for a good many months?

Mr. HORNING. What is that?

Mr. RUSSELL. I say, you have not asked him for a long time, have you?

Mr. HORNING. Have I done what?

Mr. RUSSELL. You have not asked McMichael for that $20 any time within the last few months?

Mr. HORNING. My collector reported to me about two or three weeks ago that he had mentioned that note to Mr. McMichael—said to take it up to some committee and they would pay it.

Mr. RUSSELL. Now, then, this $1,000 which you said Mr. McDermott owes you—is that amount $1,000?

Mr. HORNING. $1,085.

Mr. RUSSELL. $1,085. That you have no note for; you have no security for it?

Mr. HORNING. Never.

Mr. RUSSELL. That was cash loaned?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. And no part of it paid out of this pawnbrokers' fund?

Mr. HORNING. No. I stated yesterday that it has been more than 18 months ago since I had any relations with him or any money transactions with Mr. McDermott personally.

Mr. RUSSELL. Eighteen months ago?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. And the money that you loaned him was not a business transaction, and you and he were on friendly terms; friendly family relations exist between you and him?

Mr. HORNING. Not family at all. I never said anything about family relations. There is no blood relation at all.

Mr. RUSSELL. I mean there were friendly social relations between your family and his?

Mr. HORNING. Yes; not in the business line at all; I have not had any business relations with him for about 18 months. I had every confidence in him that he would pay it back.

Mr. RUSSELL. You knew that he was friendly to you in this legislation that you were contesting, did you not?

Mr. HORNING. How is that?

Mr. RUSSELL. I say, you knew that he was friendly to you in this legislation, did you?

Mr. HORNING. He could not help himself.

Mr. RUSSELL. He could not help himself, why?

Mr. HORNING. You know Mr. McDermott is a card man in Congress.

Mr. RUSSELL. A card man?

Mr. HORNING. A card man.

Mr. RUSSELL. So that he could not help himself?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. You say he could not help himself?

Mr. HORNING. Well, in my opinion, in regard to this bill——

Mr. RUSSELL (interposing). What do you mean by a card man?

Mr. HORNING. A labor man; they were all termed card men.

Mr. RUSSELL. Belonging to a labor union?

Mr. HORNING. They have a card, where the honorary members have their association, and so forth, and they usually call them card men.

Mr. RUSSELL. So that he could not help being for that bill?

Mr. HORNING. I never talked to him to any extent on it, because I knew he belonged to labor and that he would have to vote that way and it would be his judgment, because the Central Labor organization appointed a committee to investigate this loan-shark

bill; their report was that the pawnbrokers could live if the bill carried 2 per cent, and the pawnbrokers were left out, and I assumed by that that Mr. McDermott would be naturally inclined to vote the way his association stood, not the way I wanted him to vote.

Mr. RUSSELL. Only one or two other questions and I am through. You understand, do you not, that you made two settlements concerning this pawnbrokers' fund?

Mr. HORNING. That there have been what?

Mr. RUSSELL. You made two settlements with your associates about this pawnbrokers' fund?

Mr. HORNING. Well, I do not know that there have been two settlements. Heidenheimer says two settlements. I never considered that there was two settlements.

Mr. RUSSELL. You did not? At the time Mr. Heidenheimer gave you the $113 and a copy of this settlement was sent you, was not that a settlement of the transaction up to that time?

Mr. HORNING. I would not term it so. We never had but one final settlement, and that was, according to that date there, February 18, according to that statement there [indicating paper].

Mr. RUSSELL. February 18? Well, in regard to that statement made on the 30th of August, 1912, you stated yesterday you received a copy of that?

Mr. HORNING. He had a statement. I suppose I got it all right.

Mr. RUSSELL. That showed a settlement for that date, did it not?

Mr. HORNING. It could not. The trouble with him was he charged me with $1,400 expended, and I had not expended it. He did not keep his books on that——

Mr. RUSSELL. I want to read you from the testimony of Mr. Heidenheimer, at page 1388 of the record [reading]:

Mr. RUSSELL. I would like for this account to show that the previous settlement was August 30, 1912. That is true, is it not?

Mr. HEIDENHEIMER. I had to get that from the check. I left it off there.

Mr. RUSSELL. It is true that this previous settlement you referred to of $1,687.36—that settlement was made August 30, 1912?

Mr. HEIDENHEIMER. I am pretty sure it was, but the checks will show it positively.

Mr. HORNING. Will you read that first again?

Mr. RUSSELL. I will read you this question which I asked Mr. Heidenheimer: "It is true that this previous settlement you referred to of $1,687.36—that settlement was made August 30, 1912," and Mr. Heidenheimer replied, "I am pretty sure it was, but the checks will show it positively." And then I asked him, "Now, that much money had been expended at that time?" He replied, "Yes, sir." Is that true or not true?

Mr. HORNING. That is not true, because I had not spent it. I had the money.

Mr. RUSSELL. How did it happen you met together, as these other witnesses say you did meet, and made a settlement at that time, each representing the amount of money that had been laid out, and now you say it was not a settlement?

Mr. HORNING. As I had $750, it could not be settled then.

Mr. RUSSELL. Let me ask you about another matter. I want again to get from you when Mr. Davis was first employed in this pawnbrokers' business.

Mr. HORNING. If you can get the records and see about what time that bill went to conference, then you can get at it. I do not know that.

Mr. RUSSELL. You mean about the time the conference report was made to the House?

Mr. HORNING. The conference report?

Mr. RUSSELL. Yes.

Mr. HORNING. What is the difference between a conference report and a conference?

Mr. RUSSELL. Well, the conference has to make a report through the conferees. Anyway, you stated yesterday, if I understood you correctly, that Mr. Davis was employed a short time before the bill passed the House, either in 1913 or in the latter part of 1912.

Mr. HORNING. It was at the time of the conference; that was what I said. I do not know when that was.

Mr. RUSSELL. At the time the conference report was made to the House?

Mr. HORNING. I think that would be the time.

Mr. RUSSELL. That was made in January, 1913.

Mr. HORNING. Then it was before that.

Mr. RUSSELL. How long before?

Mr. HORNING. I do not know. It might have been in December, but I am not positive on that, however.

Mr. RUSSELL. You know it was while that Congress was in session, do you not?

Mr. HORNING. It was the time the bill was in conference. When that was I do not know.

Mr. RUSSELL. Do you know that Congress met that year the first week in December, as it does every year?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. That was in 1912. Now, then, you are certain that Mr. Davis was employed some time after that session met during the first week in December?

Mr. HORNING. He was employed at the time the bill went to conference. That is the only way I can answer you. When it was, I do not know. I would tell you in a minute if I did know.

Mr. RUSSELL. When did you make the first payment to him?

Mr. HORNING. I could not answer that.

Mr. RUSSELL. Did you make him any payment before 1913?

Mr. HORNING. If Mr. Davis wanted any money he came down and got it.

Mr. RUSSELL. You did not pay him any before he was employed?

Mr. HORNING. What is that?

Mr. RUSSELL. I say you did not pay him anything before he was employed?

Mr. HORNING. Not on this account; no, sir.

Mr. RUSSELL. If he was not employed until Congress met the first week of December, you did not pay him anything until after that time?

Mr. HORNING. No, sir.

Mr. RUSSELL. Now, then, in this first settlement, it says there were $1,687 that had been collected and $250 that had been paid to Mr. Tucker, making $1,937 which had been collected up to that time. That is correct, is it not?

Mr. HORNING. I did not keep those books. I do not know anything about that.

Mr. RUSSELL. You do not know whether that is right or not?

Mr. HORNING. I did not have anything to do with the books at all.

Mr. RUSSELL. Mr. Heidenheimer states, and it is in the record; he stated it this morning, that there was $1,687 in the first settlement that had been expended, and in addition to that $250 which he had paid to Tucker. If he states that, you do not deny it?

Mr. HORNING. There was $250 paid out of this fund.

Mr. RUSSELL. And $1,687 collected besides that $250; you do not deny that?

Mr. HORNING. Three thousand seven hundred and some odd collected.

Mr. RUSSELL. I mean up to the time of the first settlement, August 30.

Mr. HORNING. I do not know about that settlement; I never went over that settlement.

Mr. RUSSELL. You do not dispute it; you do not dispute what Mr. Heidenheimer stated this morning?

Mr. HORNING. I do not know what he states. I paid out so much money and I received so much money.

Mr. RUSSELL. If he is right, if you had collected $1,937 up to the 30th day of August. I want you to tell the committee what you did with it.

Mr. HORNING. That is all I know about what I did with it, the statement that was in here yesterday.

Mr. RUSSELL. I want to know what went with it up to the time you made the settlement.

Mr. HORNING. I beg your pardon?

Mr. RUSSELL. I want to know what became of it up to the time you made the settlement, up to the 30th day of August.

Mr. HORNING. I do not understand you.

Mr. RUSSELL. How much of that money had you paid out on the 30th of August?

Mr. HORNING. I could not tell you.

Mr. RUSSELL. Had you ever paid out a single dollar except the $100 to Mr. Tucker? Did you pay that?

Mr. HORNING. I think we paid Mr. Tucker.

Mr. RUSSELL. One hundred dollars?

Mr. HORNING. What is that?

Mr. RUSSELL. One hundred dollars?

Mr. HORNING. I think so.

Mr. RUSSELL. Who paid the expense of that brief, some $80?

Mr. HORNING. Mr. Heidenheimer paid that.

Mr. RUSSELL. Mr. Heidenheimer paid that. Now, then, state to the committee a single dollar you ever paid outside of that, up to the 30th day of August.

Mr. HORNING. Outside of this——

Mr. RUSSELL. Outside of that $100 you paid to Mr. Tucker, tell the committee of any other money you paid out up to the 30th day of August.

Mr. HORNING. None that I can recall.

Mr. RUSSELL. You did not pay out any. Then, if that is true, you must have had $1,500 of that fund unexpended at the time of the first settlement?

Mr. HORNING. I had nothing.

Mr. RUSSELL. You did not have anything on hand after paying Mr. Davis, but Mr. Davis was not employed for four months after that. I want to know what money you had paid out up to the 30th of August, 1912?

Mr. HORNING. I could not tell that.

Mr. RUSSELL. You could not tell a single dollar that you paid out up to that time except this $100 you paid to Mr. Tucker?

Mr. HORNING. I do not know when that was paid. I did not keep any records at all. Heidenheimer kept the record of it.

Mr. RUSSELL. You said you handled the cash?

Mr. HORNING. I had the cash; yes, sir. I had not paid anything out of it. I had it in that strong box.

Mr. RUSSELL. At the time you made this settlement Mr. Heidenheimer gave you a check for $113 for the balance. Why was that?

Mr. HORNING. I could not tell you.

Mr. RUSSELL. Can you explain this matter at all?

Mr. HORNING. I can not. Heidenheimer kept the books. Heidenheimer, when we were through, he came down and he said, "Here is where we stand." There was some money passed; some consideration, and there was some money expended; that is all I know.

Mr. RUSSELL. If Mr. Heidenheimer kept the books and he swears that there had been $1,937 paid out up to the 30th day of August, you do not dispute that?

Mr. HORNING. I had $750.

Mr. RUSSELL. What went with the balance of that money?

Mr. HORNING. I do not know. I know I had that much money on hand.

Mr. RUSSELL. You had $750 in that strong box?

Mr. HORNING. I do not say—you do not seem to realize that I had nothing to do with the books. I never saw the books. I do not know anything about Heidenheimer's bookkeeping.

Mr. RUSSELL. What is the reason that you do not know anything about it? Heidenheimer says, and the records show, that there was $1,937 paid out, or, as he expressed it, "laid out," before the 30th of August.

Mr. HORNING. All I can answer is this, I received so much money and paid out so much money, and I do not know anything about it.

Mr. RUSSELL. Up to the 30th of August, you will not swear you had paid out a single dollar except the $100 to Tucker?

Mr. HORNING. I do not know—the 30th of August—I do not know that I paid anything.

Mr. RUSSELL. If you, at that time, had paid out a single dollar up to that time, more than that, you are not able to state it?

Mr. HORNING. I know I paid out so much, and I received so much. That is all I know.

(Thereupon, at 1.10 o'clock p. m., the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The CHAIRMAN. Judge Russell, will you proceed with the witness?

Mr. RUSSELL. I believe you stated that Mr. Davis was your regular attorney?

Mr. HORNING. I did not say. I said Mr. Davis has represented me, off and on, for twenty-odd years; 15 or 20 years.

Mr. RUSSELL. In private business?

Mr. HORNING. At times, and at other times, Mr. Tucker.

Mr. RUSSELL. Now, is he employed by you by the month, or so much for each case?

Mr. HORNING. Yes; as he attends to a case.

Mr. RUSSELL. Well, did it ever occur to you that this $2,000 you paid him was pretty liberal for what he did?

Mr. HORNING. I beg your pardon?

Mr. RUSSELL. I say did you ever feel that the $2,000 that you paid him was a pretty liberal fee for the services he rendered?

Mr. HORNING. I never felt otherwise than that whatever Mr. Davis told me the price was, it was right.

Mr. RUSSELL. Did you ever pay him $2,000 for any other service that he rendered you?

Mr. HORNING. No. I think I paid him $1,500 once.

Mr. RUSSELL. What case was that in?

Mr. HORNING. I am not certain, but I think it was in—this is the third time that Mr. Davis has got fees in this way. I am not certain about that, though.

Mr. RUSSELL. That $1,500, was that in connection with legislation too?

Mr. HORNING. No; that was before I had anything to do with this.

Mr. RUSSELL. What was that fee for?

Mr. HORNING. To the best of my recollection, I think Mr. Davis represented the boys some years ago. I am not familiar with that.

Mr. RUSSELL. You are not certain, then, whether you paid him $1,500 or not?

(No answer.)

Mr. RUSSELL. Your associates, Mr. Burnstine and Mr. Heidenheimer, they thought this was too large, and told you so, did they not?

Mr. HORNING. Thought that it was too large?

Mr. RUSSELL. Yes. When you employed Mr. Davis, you stated yesterday they wanted to make a contract with him about the amount of his fee and you would not let them do it?

Mr. HORNING. They did not tell Mr. Davis that; they wanted to know why I did not make a price with Mr. Davis in advance.

Mr. RUSSELL. And you stated yesterday you would not allow them to do it?

Mr. HORNING. They did not talk to Mr. Davis on that. They talked to me about that.

Mr. RUSSELL. They talked to you. They wanted you to fix Mr. Davis's fee?

Mr. HORNING. Yes; and I would not do that.

Mr. RUSSELL. You would not do that; and you said yesterday that you would not permit them to do that?

Mr. HORNING. No; they wanted me—if I understand you right—do I understand you to mean that they talked to Mr. Davis about the fee?

Mr. RUSSELL. Well, at the time you employed Mr. Davis?

Mr. HORNING. Well, they talked to me; they did not talk to Mr. Davis.

Mr. RUSSELL. They talked to you. Well, were they not present when Mr. Davis was employed? Were they not present when he was employed?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. They were present when he was employed?

Mr. HORNING. Yes; yes, sir.

Mr. RUSSELL. And did you not say yesterday that they wanted——

Mr. HORNING (interposing). I did not know that you would term that "employment." I simply took Mr. Burnstine and Mr. Heidenheimer there, and told Mr. Davis what we expected, and we did not go into any agreement or arguments about fees at all.

Mr. RUSSELL. But you were not willing for them to make a contract with them?

Mr. HORNING. Well, there was no contract until afterwards; after we had gone into it and Mr. Davis had started to work, they wanted to know what Mr. Davis was going to charge, and I told them I had not asked him.

Mr. RUSSELL. Well, you were not willing for them to have an agreement with him about the fee?

Mr. HORNING. No.

Mr. RUSSELL. You were not. Mr. Horning, you stated yesterday that you sent Mr. McDermott some money to Chicago and you thought you had sent him some a second time. Where did you send him that?

Mr. HORNING. My recollection is not clear, whether I sent it once or twice.

Mr. RUSSELL. Well, if you did send it a second time, where did you send that and how much?

Mr. HORNING. Well, I am not clear on that; but I am clear on once.

Mr. RUSSELL. Well, how much do you think you sent the second time?

Mr. HORNING. I do not know. I am not positive that I did send the second time; I do not know whether I sent once or twice.

Mr. RUSSELL. Well, you stated so yesterday, did you not?

Mr. HORNING. Well, I said what I say now. It appears as though I sent once or twice. Once I am positive of; the second time I can not be positive of.

Mr. RUSSELL. Now, do you mean to tell the committee that you would send money to a Member of Congress in Chicago from here and forget whether you sent it once or whether you sent it twice?

Mr. HORNING. I do not know whether I sent it once or twice. I am positive I sent it once; I sent that by express.

Mr. RUSSELL. Why did you state yesterday, then, that you sent it twice?

Mr. HORNING. I say now that I have a sort of recollection about sending it twice, but I am not positive about it.

Mr. RUSSELL. I wish you would brighten up your recollection a little while I read your testimony of yesterday.

Mr. HORNING. No. Exactly what I said yesterday—that I either sent it once or twice.

Mr. RUSSELL. I will read you your testimony of yesterday and see if you did not make this statement:

The CHAIRMAN. Did you send Mr. McDermott any money by express or registered letter from here at any time—did you ever send him any money in any way to his home in Chicago?
Mr. HORNING. Let me see. Did I ever send Mr. McDermott any money?
The CHAIRMAN. To Chicago?
Mr. HORNING. Yes, sir.
The CHAIRMAN. Do you remember about when?
Mr. HORNING. No; I can not recall it.
The CHAIRMAN. Do you remember how much?
Mr. HORNING. I know on one occasion I sent $200.
The CHAIRMAN. Do you remember any other occasion on which you sent him money?
Mr. HORNING. Yes.
The CHAIRMAN. How much?
Mr. HORNING. I can not recall that.

Did you not testify to that yesterday?

Mr. HORNING. I testified the same as I am testifying to-day, that once I am positive of and the second time I am not positive of; that is what I testified to yesterday. I have not changed my opinion of that at all.

Mr. RUSSELL. Do you deny that you made that statement yesterday?

Mr. HORNING. Sir?

Mr. RUSSELL. Do you deny that you made that statement yesterday?

Mr. HORNING. I say this, that I claim to-day the same as I did yesterday; once I am positive of and the second time I am not positive of.

Mr. RUSSELL. Well, if you did send him a second time, where did you send it?

Mr. HORNING. The same place, to his home, perhaps.

Mr. RUSSELL. In Chicago? Now, if you did send some a second time, how much did you send him then?

Mr. HORNING. I can not recall the second transaction at all, if I had one. The first one——

Mr. RUSSELL (interposing). You have got a sort of impression, though, that you did send some a second time, have you not?

Mr. HORNING. Well, I do not know why my mind is in that condition. I can not place it at all.

The CHAIRMAN. Why did you send it by express?

Mr. RUSSELL. Yes; why did you send it by express?

Mr. HORNING. Because he wanted it right away.

Mr. RUSSELL. Would it not get there just as quick by check?

Mr. HORNING. I had sent my wife a check in Chicago on one occasion, while she was on her vacation, and she had the greatest trouble in getting a little check of $50 or $75 cashed there. They would not honor it at all.

Mr. RUSSELL. But Mr. McDermott lived in Chicago, did he not?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Do you not think that Mr. McDermott, a Member of Congress, could get a check cashed in Chicago, where he lived?

Mr. HORNING. Well, my wife's relatives live there and they went to half a dozen places to get a check cashed and they told her relatives that out-of-town checks they did not honor, and they would not cash the check.

Mr. RUSSELL. Do you mean to tell the committee that you would not send a check to Mr. McDermott because he could not get it cashed in Chicago, when he was a Representative from Chicago?

Mr. HORNING. I did not say that; that was one reason. I assumed——

Mr. RUSSELL (interposing). Why did you not send it by registered letter?

Mr. HORNING. I do not know. I sent it by express.

Mr. RUSSELL. Well, now, you say that is one reason. I wish you to state what the other reason was.

Mr. HORNING. What other reason?

Mr. RUSSELL. Well, you said that was one reason you sent it by express, because your wife had had trouble in getting a check cashed. Now, if that was one reason, what was the other reason?

Mr. HORNING. I have not given any other reason.

Mr. RUSSELL. You have not given any other reason. Well, then, that was the only reason you had for sending this money by express—because you were afraid he could not get a check cashed in Chicago?

Mr. HORNING. I did not give that any consideration.

Mr. RUSSELL. You did not give any consideration to that?

Mr. HORNING. I sent the money. I did not send any check.

Mr. RUSSELL. Well, was that not a very unusual thing—for you to send money to a Member of Congress in the city of Chicago by express?

Mr. HORNING. I send it every day—not Members of Congress. But I use the express office pretty often. I suppose that in my establishment we send anything from 2 to 10 packages a day.

Mr. RUSSELL. Money loaned?

Mr. HORNING. What is that?

Mr. RUSSELL. Money that you are lending to people?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Without any note and without any security?

Mr. HORNING. No.

Mr. RUSSELL. No?

Mr. HORNING. People from all over the country send me jewelry, and we do not send checks or money orders; we put the money in a box and send it to them. That is nothing unusual for me to do.

Mr. RUSSELL. But, as I understand you, on this occasion you did not get any note or security at all?

Mr. HORNING. With Mr. McDermott?

Mr. RUSSELL. Yes.

Mr. HORNING. No.

Mr. RUSSELL. None at all? You took the precaution to send him a telegram that you would send him that money by express, did you not?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Why did you do that?

Mr. HORNING. His letter was that he was in need of the money, and he did not know whether he was going to get it or not, is my best

recollection of it; and he wanted to know when he would get it; and I wired him "Sending money by express."

Mr. RUSSELL. He was in a campaign there, was he not?

Mr. HORNING. Not to my knowledge.

Mr. RUSSELL. You did not know what he was doing in Chicago?

Mr. HORNING. I beg your pardon?

Mr. RUSSELL. You did not know what he was doing in Chicago?

Mr. HORNING. That is his home.

Mr. RUSSELL. Yes. Congress was in session, though, was it not? Congress was in session at that time, was it not?

Mr. HORNING. I have no recollection when the money—when the transaction was.

Mr. RUSSELL. Do you not know that it was about April, 1910?

Mr. HORNING. I could not say the month.

Mr. RUSSELL. I mean 1912.

Mr. HORNING. I could not say that at all, sir.

Mr. RUSSELL. So you do not know whether Congress was in session or not?

Mr. HORNING. I can not say.

Mr. RUSSELL. Then, will you——

Mr. HORNING (interposing). The telegram, or something, was not delivered. I am not clear on that. He did not receive the telegram, or something; I do not know. There was a mix up about that transaction some way.

Mr. RUSSELL. And you can not at all refresh your recollection about sending the second amount of money there?

Mr. HORNING. I do not know positively that there was a second one, and I do not know what makes me feel that there might have been a second one.

Mr. RUSSELL. I wish you would state to the committee how much you sent, if you did send a second one?

Mr. HORNING. I can not state that when I am not positive that I did send it. I can not do that.

Mr. RUSSELL. Well, if you did send a second one, was that $200 also? Was that $200, if you did send it?

Mr. HORNING. I do not know. I am not clear on this point, whether the telegram was returned or the money was returned by Adams Express. And it was not delivered. I am not positive about that.

Mr. RUSSELL. Yes.

Mr. HORNING. There was something that called my attention to that transaction that way, that it was either the telegram was undelivered or the money was undelivered.

Mr. RUSSELL. Yes. Well, you know that Mr. McMichael has testified, do you not, that the telegram came back here and he opened the telegram and found that the money had been sent by express. You read his testimony about that?

Mr. HORNING. I did not read that testimony; I read the newspaper.

Mr. RUSSELL. You read the newspapers about that?

Mr. HORNING. Yes, sir; I read the newspapers, but I did not read that part of it.

Mr. RUSSELL. Now, there is one other question I want to ask you, and then I am through. You remember that Mr. Heidenheimer testified here on Monday, do you not?

Mr. HORNING. I did not hear him.

Mr. RUSSELL. Well, how long after he testified here and got off the stand before you saw him?

Mr. HORNING. My recollection is that I saw Mr. Heidenheimer about 6 o'clock.

Mr. RUSSELL. Where did you see him?

Mr. HORNING. I received a letter, a telephone message, from Mr. Burnstine—not Mr. Heidenheimer, but Mr. Burnstine.

Mr. RUSSELL. Well, what did he say?

Mr. HORNING. He asked me to come to his place of business, as I got it. I did not get it good over the phone.

Mr. RUSSELL. Mr. Burnstine's or Mr. Heidenheimer's?

Mr. HORNING. No. I was sitting in Mr. Davis's office, and talking to Mr. Davis, and Mr. Burnstine called my office up and they told me—I was not there; I was in Mr. Davis's office; and in Mr. Davis's office I received this message from Mr. Burnstine that he wanted to see me—to come to see him; and I immediately left Mr. Davis's office and went to Mr. Burnstine's office. And I came to this room to see if I could find Mr. Burnstine, and the session had adjourned. On the way back, I met one of his clerks, and he said that Mr. Burnstine was in Mr. Heidenheimer's office, to call up Mr. Heidenheimer's office to see if Mr. Burnstine was there; and I did so, and he was there.

Mr. RUSSELL. So you went to this office and saw Mr. Heidenheimer and Mr. Burnstine?

Mr. HORNING. No; I went to see Mr. Burnstine; I went there to see Mr. Burnstine, not Mr. Heidenheimer.

Mr. RUSSELL. And when you got there, you saw both of them, did you not?

Mr. HORNING. Sir?

Mr. RUSSELL. When you got there, you saw both of them, did you not?

Mr. HORNING. They were both there.

Mr. RUSSELL. They were both there; how long did you stay there?

Mr. HORNING. Oh, I do not know; I think I was in there about 15 minutes, or more.

Mr. RUSSELL. Yes; talking about the testimony he had given in the case?

Mr. HORNING. No; I couldn't understand Mr. Heidenheimer. I never could understand Mr. Heidenheimer; his voice is too low for me, when I am this way. I asked Mr. Burnstine what he wanted to see me about; I wanted to get away, I wanted to go home and get my dinner.

Mr. RUSSELL. You do not know, now, anything he said at all?

Mr. HORNING. What?

Mr. RUSSELL. You could not hear anything he said at all?

Mr. HORNING. I could not hear Mr. Heidenheimer; I could hear Mr. Burnstine.

Mr. RUSSELL. Well, did they make an engagement with you on that occasion to see you that night again?

Mr. HORNING. No, sir.

Mr. RUSSELL. They did not?

Mr. HORNING. No, sir.

Mr. RUSSELL. Well, they did see you again that night, did they not?

Mr. HORNING. Not by any engagement, however.

Mr. RUSSELL. Well, when did you first find out that they wanted to see you that night?

Mr. HORNING. I had already retired; and my wife told me that Mr. Burnstine and Mr. Heidenheimer wanted to see me. I told her there was no use to see them. I was in too bad a condition, and I could not hear anything. I did not want to see them. She said: "They want to talk to you," and I said: "All right," and I went down stairs and talked to them.

Mr. RUSSELL. What time of night did they come to your house?

Mr. HORNING. Well, I did not look at the clock; but I should judge it was in the neighborhood of 1 o'clock or half past 1.

Mr. RUSSELL. About 1 o'clock or half past. How long did you stay there and talk to them?

Mr. HORNING. Well, I did not talk to Mr. Heidenheimer; he tried to talk to me, but I could not talk to him.

Mr. RUSSELL. Well, you talked to Mr. Burnstine, did you not; you could understand him?

Mr. HORNING. Yes; I could understand him.

Mr. RUSSELL. And he could understand Mr. Heidenheimer?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. So that you found out really what Mr. Heidenheimer wanted, did you not?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Well, what did he want?

Mr. HORNING. He could not—they were at a loss to know why their accounts did not tally, and how I could pay this money. They did not understand that or anything about it. I told them they did not need to be uneasy about that; I understood it.

Mr. RUSSELL. Yes. Well, they said that to you when they were at the shop about 6 o'clock that evening, did they not?

Mr. HORNING. Sir?

Mr. RUSSELL. They made that same statement to you when they met you in the shop at 6 o'clock that evening, did they not?

Mr. HORNING. Something to that effect.

Mr. RUSSELL. Then why the necessity of going to your house and pulling you out of bed at half past 1 o'clock at night to go over that thing again?

Mr. HORNING. Absolutely unwise, as far as I could see. I would not go to their houses and ask them anything about that. I would not go to any gentleman's house at 1 o'clock in the morning and ask him any question.

Mr. RUSSELL. How long did you talk with them that night?

Mr. HORNING. I suppose they was there in the neighborhood of half an hour.

Mr. RUSSELL. Were they not there an hour?

Mr. HORNING. No; because I simply had on my pajamas, and I slipped on a pair of pants. I did not want to talk to anybody; I was feeling too badly.

Mr. RUSSELL. Why did you not go to the telephone, when your wife went to the phone, and tell them not to come down; that you did not want to be bothered with that thing?

Mr. HORNING. Sir?

Mr. RUSSELL. Why did you not tell them not to come down and bother you about that thing?

Mr. HORNING. I did not know they were coming.

Mr. RUSSELL. Your wife told you they were coming, did she not?

Mr. HORNING. I did not hear my wife tell me that.

Mr. RUSSELL. You say she answered the phone, and said they wanted to come to see you?

Mr. HORNING. No; when I have a call on the phone and can not hear, I do not go to the phone. I do not answer the phone. I did not get a message over the phone from them.

Mr. RUSSELL. Well, the next morning, after that night; you had already seen them at 6 o'clock that evening, at half past 1 o'clock that night, and the next morning you went to see them again?

Mr. HORNING. Did I go to see them?

Mr. RUSSELL. Yes.

Mr. HORNING. No, sir.

Mr. RUSSELL. But you did see them?

Mr. HORNING. Yes.

Mr. RUSSELL. Where did you see them?

Mr. HORNING. At Mr. Davis's office.

Mr. RUSSELL. What did you go to Mr. Davis's office for that morning?

Mr. HORNING. We did not all go up there together.

Mr. RUSSELL. Well, you say you saw these gentlemen there; what did you go there for?

Mr. HORNING. I did not know; I did not know they were in Mr. Davis's office when I went there.

Mr. RUSSELL. When you went there, though, you found them there, did you not?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. What did you go up there for?

Mr. HORNING. Mr. Davis wanted me to go there.

Mr. RUSSELL. What did Mr. Davis want you to go there for?

Mr. HORNING. We had an engagement the day before for me to come up the next morning.

Mr. RUSSELL. An engagement for what?

Mr. HORNING. Talking this bill over.

Mr. RUSSELL. This bill over? You then fixed up the story that you were trying to agree on?

Mr. HORNING. Not at all.

Mr. RUSSELL. Well, if you simply wanted to tell the truth about it, what was the necessity for that meeting?

Mr. HORNING. What?

Mr. RUSSELL. If you all wanted to tell the plain truth about the matter, what was the necessity of this 6 o'clock meeting; the meeting at half past 1 o'clock at night, and the meeting at Mr. Davis's office the next morning?

Mr. HORNING. They went there to ascertain from Mr. Davis why this statement of theirs did not correspond with the money, and they tried to find out from Mr. Davis why it did not do it.

Mr. RUSSELL. So that you went up there to try to make the different statements agree?

Mr. HORNING. There was no occasion for making the different statements agree; they had to go to see Mr. Davis.

Mr. RUSSELL. What did they do it for?

Mr. HORNING. What?

Mr. RUSSELL. What did they do that for?

Mr. HORNING. I can not answer why they did it.

Mr. RUSSELL. What did you go there for?

Mr. HORNING. Because they were there.

Mr. RUSSELL. Because they were there? Did that have anything to do with your statement about the matter, going to see them to see what you should testify to?

Mr. HORNING. Not at all.

Mr. RUSSELL. Well, what did you go there for?

Mr. HORNING. I went there because Mr. Davis and I—I told him the night before that I was coming there the next morning.

Mr. RUSSELL. Why did Mr. Davis want you to come there?

Mr. HORNING. I am not certain about that.

Mr. RUSSELL. You can not tell? You intended to tell the truth about it all the time, did you not?

Mr. HORNING. Mr. Davis asked me last night to come there this morning, and I went there; I did not know what he wanted me to come up there for; and I went up there and we came up here together.

Mr. RUSSELL. Could you not tell the truth about this thing without going to see Mr. Davis?

Mr. HORNING. There was no occasion to see Mr. Davis about this mix up here.

Mr. RUSSELL. No occasion to go, but you did go?

Mr. HORNING. I never do anything without counsel being present, at all times.

Mr. RUSSELL. Yes.

Mr. HORNING. Even my personal affairs, business, or anything else, counsel are always consulted on anything.

Mr. RUSSELL. You never want to give testimony on anything without seeing your lawyer first?

Mr. HORNING. I always believe in having counsel engaged in everything I do.

Mr. RUSSELL. Well, do you always believe in seeing two or three other men in conference with your lawyer before you agree to what you are going to testify to?

Mr. HORNING. How is that?

Mr. RUSSELL. I say, you had Mr. Burnstine there and you had Mr. Heidenheimer there.

Mr. HORNING. I did not have them there.

Mr. RUSSELL. But you found them there?

Mr. HORNING. I do not know; there was no occasion for them to go there about that; they simply went there.

Mr. RUSSELL. Did you meet them again this morning at Mr. Davis's office?

Mr. HORNING. This morning?

Mr. RUSSELL. They were not there this morning?

Mr. HORNING. Not to my knowledge; I have not seen them.

Mr. RUSSELL. But Mr. Davis asked you yesterday to come there this morning?

Mr. HORNING. He told me to come to see him this morning. I said, "What time." He said, "We have got to be up there at 11 o'clock." I said, "I will come to your office"; and he said, "All right."

Mr. RUSSELL. Did you see Mr. Davis's books?

Mr. HORNING. Sir?

Mr. RUSSELL. Did you see Mr. Davis's books?

Mr. HORNING. I never saw Mr. Davis's books. You mean his library or personal books?

Mr. RUSSELL. I mean his accounts, to show when you first paid him money on this matter. Do you know whether his books show how much you paid him, or when you paid it?

Mr. HORNING. I do not know anything about Mr. Davis's personal affairs.

Mr. RUSSELL. You do not know anything about his personal affairs. You do know that when you paid him $2,000 you took a receipt from him?

Mr. HORNING. I testified that I did not know about the time of paying that, whether it was in two or three installments.

Mr. RUSSELL. But I asked you if you did not finally take a receipt for this $2,000?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. Is it not the first time that you ever took a receipt from him?

Mr. HORNING. Yes.

Mr. RUSSELL. That is all.

Mr. FERRIS. Mr. Chairman, I would like to ask the witness a few questions, and I would like to know whether he can not be moved up so that he can hear.

Mr. Horning, as the head of the Pawnbrokers' Association, you raised $3,700?

The CHAIRMAN. You should answer, Mr. Horning, so that the reporter can get your answer. He can not catch a nod.

Mr. HORNING. Yes, sir.

Mr. FERRIS. Then, as the head of the Notebrokers' Association, you raised approximately $8,000, did you not?

Mr. HORNING. That is right, sir.

Mr. FERRIS. So that, as the head of the two organizations, you have accounted for approximately $11,700; is that correct?

Mr. HORNING. Yes, sir.

Mr. FERRIS. How many pawnbrokers and note brokers are there in Washington?

Mr. HORNING. To-day?

Mr. FERRIS. Yes.

Mr. HORNING. No pawnbrokers in Washington to-day, with the exception of one house.

Mr. FERRIS. Well, how many note brokers and how many pawnbrokers were there in Washington when you began to raise this fund?

Mr. HORNING. I think there were eight pawnbrokers.

Mr. FERRIS. And how many note brokers?

Mr. HORNING. I could not answer that.

Mr. FERRIS. Were there 50?

Mr. HORNING. I have read in the papers that there were some 80 or 100 licenses. I do not know that, however.

Mr. FERRIS. If I should tell you that there were about 60 would you think that I was too high?

Mr. HORNING. Well, I do not know how many have got licenses.

Mr. FERRIS. Yes. How many did you call on in raising this money?

Mr. HORNING. Well, that is what I say; I do not know how many I called on.

Mr. FERRIS. Did you call on 50?

Mr. HORNING. On 50?

Mr. FERRIS. Yes. Did you call on 25?

Mr. HORNING. I could not recollect how many I called on.

Mr. FERRIS. I am speaking now of both note brokers and pawnbrokers?

Mr. HORNING. No; I would not say—probably about from 12 to 20—something of that kind.

Mr. FERRIS. Would you think you called on from 12 to 20?

Mr. HORNING. I could not be positive as to that.

Mr. FERRIS. Did you not say in your testimony yesterday that you thought you called on everyone of them?

Mr. HORNING. Pawnbrokers?

Mr. FERRIS. Note brokers?

Mr. HORNING. I did not state that. The pawnbrokers, I did call on everyone, with the exception of one house.

Mr. FERRIS. You called on every one of the pawnbrokers?

Mr. HORNING. With the exception of one house.

Mr. FERRIS. With the exception of one house; and what house was that?

Mr. HORNING. Let me see—the Prudential Loan Society, of Philadelphia.

Mr. FERRIS. The Prudential; why did you not call on them?

Mr. HORNING. They were not friendly.

Mr. FERRIS. They were not friendly with you; so you passed them up? Now, how many note brokers did you call on while you were raising this $8,000?

Mr. HORNING. I beg your pardon?

Mr. FERRIS. How many note brokers did you call on?

Mr. HORNING. Well, I could not state that; I do not know how many.

Mr. FERRIS. You do not know how many?

Mr. HORNING. No, sir.

Mr. FERRIS. Are you sure that only two men besides yourself contributed to the pawnbroker's fund?

Mr. HORNING. Absolutely.

Mr. FERRIS. That was Mr. Burnstine and Mr. Heidenheimer?

Mr. HORNING. Yes, sir.

Mr. FERRIS. And you three were the sole contributors to the pawnbrokers' fund?

Mr. HORNING. Mr. H. K. Fulton refused to contribute a cent, and Mr. Singleton, otherwise known as the Collateral Loan Co., said, if this bill passed Congress in that way he would retire; he would not spend a cent; he said he was tired of this legislation in Washington

every year, getting these bills; he would rather discontinue business and go somewhere else.

Mr. FERRIS. So that, to make a long story short, the only three that contributed are you three men, Mr. Heidenheimer, Mr. Burnstine, and you?

Mr. HORNING. Yes.

Mr. FERRIS. And you raised $7,000, approximately. Do you know William M. Arnold?

Mr. HORNING. Who is that?

Mr. FERRIS. William M. Arnold, of 526 Thirteenth Street, a money lender; do you know him, William M. Arnold?

Mr. HORNING. I do not know him.

Mr. FERRIS. You do not know him; you never called on him; never got any money from him?

Mr. HORNING. No.

Mr. FERRIS. Do you know William Bishop, of 626 F Street?

Mr. HORNING. Yes.

Mr. FERRIS. How much money did you get from him?

Mr. HORNING. As I stated this morning, my recollection is that I got $1,000 from him.

Mr. FERRIS. You think you got $1,000 from William Bishop, of 626 F Street?

Mr. HORNING. Yes.

Mr. FERRIS. Do you know H. Barlow Bristow, 730 Tenth Street?

Mr. HORNING. No, sir. What is the name?

Mr. FERRIS. H. Barlow Bristow. You do not know him? You got no money from him?

Mr. HORNING. I do not know him.

Mr. FERRIS. Do you know Thomas M. Mackey, of the Bond Building?

Mr. HORNING. Who?

Mr. FERRIS. Mackey?

Mr. HORNING. A firm named Mackey?

Mr. FERRIS. A loan man of the name of Mackey, note broker?

Mr. HORNING. No; I do not know Mr. Mackey. I know the Mackeys have an interest in the city here, but I do not know of any Mackey who has a place there.

Mr. FERRIS. You never called on him for a contribution, or never received anything from him?

Mr. HORNING. Is he a Washington man?

Mr. FERRIS. In the Bond Building; he has an office in the Bond Building; a loan broker.

Mr. HORNING. In the Bond Building?

Mr. FERRIS. In the Bond Building. You do not know him?

Mr. HORNING. No.

Mr. FERRIS. Do you know N. L. Chew & Co., 704 Thirteenth Street?

Mr. HORNING. Yes, sir.

Mr. FERRIS. Do you know him?

Mr. HORNING. Yes, sir.

Mr. FERRIS. Did you ask him for a contribution?

Mr. HORNING. Many times.

Mr. FERRIS. Did you get anything out of him?

Mr. HORNING. Not a cent.

Mr. FERRIS. He turned you down?
Mr. HORNING. Yes, sir.
Mr. FERRIS. What did he say?
Mr. HORNING. That he was in with the other interests.
Mr. FERRIS. Who were the other interests?
Mr. HORNING. I do not know. He told me something about he would like to do it personally, but his partner wanted to be in with the other interests.
Mr. FERRIS. What were the other interests? Was there another fund raised for this same purpose somewhere?
Mr. HORNING. What?
Mr. FERRIS. Was there anybody contributing on another fund to fight this bill?
Mr. HORNING. I think there was. I do not know anything about the other fund.
Mr. FERRIS. Did he tell you who they were contributing to?
Mr. HORNING. No, sir. He told me he was with the other interests.
Mr. FERRIS. He told you that he was with the other interests, and did not care to come in with your fund?
Mr. HORNING. He would not come in with us.
Mr. FERRIS. But he did intimate that he was working with some other fellows, did he?
Mr. HORNING. How is that?
Mr. FERRIS. But he left the impression with you that he was working with some other fellows, did he?
Mr. HORNING. No; he gave me to understand that his partner was. I did not know he had a partner. I did not know anything about the firm. He was going to take it up with his partner.
Mr. FERRIS. Yes.
Mr. HORNING. And when he came back he said his partner would not consent to it; that he was going to join with others.
Mr. FERRIS. Was going to join with others; but he did not tell you who that was. Have you since learned who the others were that he was going to join?
(No answer.)
The CHAIRMAN. Will the witness please give his answers in words, and not by nodding.
(The stenographer reads the last preceding question.)
Mr. FERRIS. In response to that question, will you please state whether you have since learned who the other parties were that Mr. Chew was going to join with?
Mr. HORNING. No; I have not.
Mr. FERRIS. Mr. Horning, you say you have known Chrisman for 20 years?
Mr. HORNING. I should judge about 20.
Mr. FERRIS. About 20 years?
Mr. HORNING. Yes.
Mr. FERRIS. Did you solicit a contribution from him?
Mr. HORNING. No, sir.
Mr. FERRIS. And consequently received nothing from him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know C. E. Clifton & Co., at 404 7th Street?

Mr. HORNING. Who?
Mr. FERRIS. Clifton & Co.?
Mr. HORNING. How do you spell it?
Mr. FERRIS. C-l-i-f-t-o-n.
Mr. HORNING. Clifton?
Mr. FERRIS. Yes.
Mr. HORNING. No.
Mr. FERRIS. You do not know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Henry W. Coffin?
Mr. HORNING. What?
Mr. FERRIS. Do you know Henry W. Coffin?
Mr. HORNING. No.
Mr. FERRIS. You don't know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Anthony A. Connolly, in the Colorado Building?
Mr. HORNING. Who?
Mr. FERRIS. Connolly.
Mr. HORNING. No.
Mr. FERRIS. You do not know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Cornelius Davis?
Mr. HORNING. Davis?
Mr. FERRIS. Yes; at 813 Twenty-first Street?
Mr. HORNING. No, sir; I don't know him.
Mr. FERRIS. You do not know him?
Mr. HORNING. No.
Mr. FERRIS. Do you know William R. Ely?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Laurence D. Engle?
Mr. HORNING. Lawrence D. Acker?
Mr. FERRIS. Engle—E-n-g-l-e.
Mr. HORNING. Engle; no, sir.
Mr. FERRIS. Do you know Horace K. Fulton?
Mr. HORNING. Very well, sir.
Mr. FERRIS. Did you get any money from him?
Mr. HORNING. Not a cent—from Mr. Fulton?
Mr. FERRIS. Yes.
Mr. HORNING. No, sir; I didn't.
Mr. FERRIS. You asked but received nothing?
Mr. HORNING. I asked him on numerous occasions.
Mr. FERRIS. But could not get anything out of him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Eugene E. Gaddis?
Mr. HORNING. Oh, yes; I know him.
Mr. FERRIS. Did you ask him for any money?
Mr. HORNING. I didn't know he was a money lender.
Mr. FERRIS. You didn't know he was a money lender, and so you did not ask him?
Mr. HORNING. No; I thought he was a note broker.
Mr. FERRIS. He is a note broker?
Mr. HORNING. Well, he does not lend money.

Mr. FERRIS. Did you not collect money from the note brokers, also?
Mr. HORNING. You would not term Mr. Gaddis a money lender, would you?
Mr. FERRIS. I am asking you.
Mr. HORNING. I don't.
Mr. FERRIS. You do not term him one?
Mr. HORNING. No, sir.
Mr. FERRIS. Didn't you ask him for a contribution?
Mr. HORNING. No, sir; I didn't
Mr. FERRIS. Do you know Michael Hano?
Mr. HORNING. No, sir.
Mr. FERRIS. You do not know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Charles Havenner?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know Clarence B. Lewis?
Mr. HORNING. Clarence B. what—Wilson?
Mr. FERRIS. Lewis—L-e-w-i-s.
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know William E. Lewis?
Mr. HORNING. William E. what?
Mr. FERRIS. Lewis.
Mr. HORNING. As a note broker? I know a William E. Lewis, but he is not a note broker.
Mr. FERRIS. At 1421 F Street?
Mr. HORNING. No, sir; I don't know him.
Mr. FERRIS. You don't know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know J. C. Nelson?
Mr. HORNING. What?
Mr. FERRIS. J. C. Nelson?
Mr. HORNING. No, sir.
Mr. FERRIS. You do not know him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know the Commercial Discount Co.?
Mr. HORNING. The Commercial?
Mr. FERRIS. Yes.
Mr. HORNING. I don't know where the Commercial Discount Co. is, and can't just place it.
Mr. FERRIS. Did you ever get any money from them to defeat the loan-shark bill?
Mr. HORNING. Where is it located?
Mr. FERRIS. 309 Nebraska Bank Building; some bank building.
Mr. HORNING. Nebraska?
Mr. FERRIS. Metropolitan Bank Building.
Mr. HORNING. No.
Mr. FERRIS. You do not know him?
Mr. HORNING. No.
Mr. FERRIS. Do you know De Graff & Co.?
Mr. HORNING. What?
Mr. FERRIS. The De Graff Co.
Mr. HORNING. Yes; that is a Mr.——
Mr. FERRIS. In the Metropolitan Bank Building.

Mr. HORNING. In the Metropolitan Bank Building? That is not De Graff—that is Bennett, Mr. Bennett.

Mr. FERRIS. Do you know De Graff & Co.?

Mr. HORNING. I think Mr. Bennett trades as De Graff & Co.

Mr. FERRIS. They are listed as De Graff & Co.

Mr. HORNING. Yes; I know them.

Mr. FERRIS. Did you get any money from them?

Mr. HORNING. I tried mighty hard, but didn't get any.

Mr. FERRIS. You tried mighty hard and failed. Do you know the District Loan Co., at 639 F Street?

Mr. HORNING. The District?

Mr. FERRIS. District Loan Co.

Mr. HORNING. That is at the corner of Seventh and F?

Mr. FERRIS. 639 F; it would be very near Seventh—yes. Did you get any money from them?

Mr. HORNING. Not to my knowledge.

Mr. FERRIS. Did you ask them?

Mr. HORNING. Yes.

Mr. FERRIS. What did they say?

Mr. HORNING. Well, I didn't ask them for any money in this thing at all.

Mr. FERRIS. You do not think you asked them for any money?

Mr. HORNING. I did not.

Mr. FERRIS. You are sure you did not?

Mr. HORNING. I asked them on one occasion. It was a number of years ago. They said they would give me something, and then did not give it to me.

Mr. FERRIS. Have you been collecting money for a number of years back to fight legislation?

Mr. HORNING. No, sir.

Mr. FERRIS. When was it you asked those people for money?

Mr. HORNING. That goes back in the time Mr. Thurston represented the interests, and I asked the District people if they were going to do anything, and they said they would do something, and then afterwards never did anything.

Mr. FERRIS. How far back was that? What year was that?

Mr. HORNING. I think 1900.

Mr. FERRIS. That is when Senator Thurston was your attorney?

Mr. HORNING. Whenever Senator Thurston was employed.

Mr. FERRIS. How much money did you raise at that time?

Mr. HORNING. I did not raise any.

Mr. FERRIS. You did not raise any?

Mr. HORNING. No, sir.

Mr. FERRIS. You were in business then, were you not?

Mr. HORNING. Yes, sir.

Mr. FERRIS. You did not raise any money then?

Mr. HORNING. I paid money; I didn't raise money.

Mr. FERRIS. Did you go to the District Loan Co., at Seventh and F, and try to get money out of them when Senator Thurston was the attorney?

Mr. HORNING. I didn't try. I knew Mr. Higgins, the manager of it, and met him on the street car and told him about the bill. I asked

Mr. Higgins if he was going to contribute, and he said he would see. Afterwards I learned he did not contribute.

Mr. FERRIS. You learned he did not contribute?

Mr. HORNING. Yes.

Mr. FERRIS. Who was collecting money at the time when Senator Thurston was your attorney?

Mr. HORNING. What is that?

Mr. FERRIS. Who was collecting money at the time Senator Thurston was your attorney?

Mr. HORNING. I can't recall.

Mr. FERRIS. You can not recall? You did ask the District Loan people if they were going to contribute, and they said yes, and afterwards you found out they did not contribute?

Mr. HORNING. To the best of my recollection.

Mr. FERRIS. How did you find it out?

Mr. HORNING. To the best of my recollection.

Mr. FERRIS. Who told you that?

Mr. HORNING. I can not remember that.

Mr. FERRIS. Did not you just say a few moments ago that you asked him yourself for money?

Mr. HORNING. No; I asked him if he was going to contribute.

Mr. FERRIS. Yes. And he told you he was?

Mr. HORNING. He said that he was.

Mr. FERRIS. And afterwards you found out that he did not?

Mr. HORNING. He might have told me himself, if I remember correctly.

Mr. FERRIS. But you don't recall he did?

Mr. HORNING. No, sir.

Mr. FERRIS. Somebody told you he did not?

Mr. HORNING. That was Mr. Higgins, my recollection is.

Mr. FERRIS. Do you know B. N. Edwards?

Mr. HORNING. Who?

Mr. FERRIS. B. N. Edwards?

Mr. HORNING. Andrews?

Mr. FERRIS. B. N. Edwards—E-d-w-a-r-d-s.

Mr. HORNING. No.

Mr. FERRIS. Do you know John L. Edwards?

Mr. HORNING. Edwards? Oh, B. T. Edwards was the first one?

Mr. FERRIS. Yes.

Mr. HORNING. I know him well; yes, sir.

Mr. FERRIS. Up on F Street, 606. Did you get any money out of him?

Mr. HORNING. What was Mr. Edwards's address?

Mr. FERRIS. 606 F Street.

Mr. HORNING. That is not the one.

Mr. FERRIS. There is another one in the Commercial National Bank Building. Did you get any money from him?

Mr. HORNING. No. The Mr. Edwards I know was on Twelfth Street between G and H.

Mr. FERRIS. How much money did you get from him?

Mr. HORNING. None.

Mr. FERRIS. Did you ask him?

Mr. HORNING. No.

Mr. FERRIS. Are you sure?

Mr. HORNING. Yes; I am sure. I think he has been out of business longer than that.

Mr. FERRIS. Do you know Herbert Elwood?

Mr. HORNING. Hart? That name I don't remember.

Mr. FERRIS. Did you get any money from him?

Mr. HORNING. No, sir.

Mr. FERRIS. Do you know the Federal Loan Co.—the Federal Loan & Investment Association—in the Bond Building?

Mr. HORNING. No.

Mr. FERRIS. You do not know them?

Mr. HORNING. No.

Mr. FERRIS. Do you know the Fidelity Loan & Trust Co.?

Mr. HORNING. The Fidelity?

Mr. FERRIS. Yes.

Mr. HORNING. I believe that is Bischop's office, if I remember correctly.

Mr. FERRIS. Is that his office?

Mr. HORNING. I think so.

Mr. FERRIS. And you got $1,000 from him?

Mr. HORNING. Yes.

Mr. FERRIS. Do you know Fred A. Hahn, in the Colorado Building?

Mr. HORNING. Who, Hart?

Mr. FERRIS. No; Hahn—H-a-h-n.

Mr. HORNING. No.

Mr. FERRIS. You do not know him?

Mr. HORNING. No.

Mr. FERRIS. Do you know the Household Loan Co.?

Mr. HORNING. Household?

Mr. FERRIS. Yes.

Mr. HORNING. I know there are certain institutions——

Mr. FERRIS. Did you get any money out of them?

Mr. HORNING. I can't say out of them; that I don't know. I don't know what interests Mr. Watts holds here.

Mr. FERRIS. Is this Mr. Watts, who lives in Chicago, and the other man, who lives in Philadelphia, interested in these concerns?

Mr. HORNING. Yes.

Mr. FERRIS. How many of them?

Mr. HORNING. I don't know. There may be 5 to 10 houses, for all I know.

Mr. FERRIS. You think they operate between 5 and 10 houses, do you, but you are not sure about that?

Mr. HORNING. No.

Mr. FERRIS. Do you know Albert F. Kase?

Mr. HORNING. Yes, sir.

Mr. FERRIS. Did you get any money from him?

Mr. HORNING. I said this morning my recollection is I got $790 from him.

Mr. FERRIS. You think you got $790 from him?

Mr. HORNING. Yes.

Mr. FERRIS. Do you know J. Fred Kelly?

Mr. HORNING. Who?

Mr. FERRIS. J. Fred Kelly?
Mr. HORNING. No, sir.
Mr. FERRIS. You do not know him, up in the Ouray Building; you don't know him?
Mr. HORNING. What?
Mr. FERRIS. You don't know him?
Mr. HORNING. Kelly?
Mr. FERRIS. Yes.
Mr. HORNING. No, sir. Mr. Kelly, is that the name he is trading under. It is not any commercial discount, or anything like that.
Mr. FERRIS. J. Fred Kelly, in the Ouray Building.
Mr. HORNING. I don't know him.
Mr. FERRIS. You don't know him?
Mr. HORNING. No.
Mr. FERRIS. Do you know James M. Kincheloe?
Mr. HORNING. No, sir.
Mr. FERRIS. You don't know him—945 Pennsylvania Avenue? You do not know him?
Mr. HORNING. Who?
Mr. FERRIS. James M. Kincheloe?
Mr. HORNING. Kincheloe; I don't know him.
Mr. FERRIS. Do you know a man by the name of King, at 609 F Street?
Mr. HORNING. What name?
Mr. FERRIS. King.
Mr. HORNING. Kay?
Mr. FERRIS. King—K-i-n-g.
Mr. HORNING. King?
Mr. FERRIS. Yes.
Mr. HORNING. I have heard of the name.
Mr. FERRIS. Did you get any money from him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know the Prudential Loan Co. people?
Mr. HORNING. The what?
Mr. FERRIS. Prudential.
Mr. HORNING. Prudential?
Mr. FERRIS. Yes.
Mr. HORNING. That is, the pawnshop?
Mr. FERRIS. Yes. You didn't get any money from them?
Mr. HORNING. I know them very well; yes. I didn't get anything from him.
Mr. FERRIS. You did not get anything from him?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know the Prudential Loan Society?
Mr. HORNING. That is the one I was referring to.
Mr. FERRIS. These are two different concerns. One is in the Warder Buildings and the other is at 724 Ninth Street.
Mr. HORNING. I know the Prudential Loan Society Corporation, of Philadelphia. That is the pawnshop.
Mr. FERRIS. That is the pawnshop?
Mr. HORNING. Yes, sir.
Mr. FERRIS. What is the Prudential Loan & Trust Co.?
Mr. HORNING. I don't know.

Mr. FERRIS. You do not know that?
Mr. HORNING. Whose office is it?
Mr. FERRIS. They are in the Warder Building.
Mr. HORNING. Oh, that is—yes; I know that office.
Mr. FERRIS. Did you get any money from them?
Mr. HORNING. I tried, but failed.
Mr. FERRIS. You tried, and fell down. Do you know the Reliance Loan & Trust Co.?
Mr. HORNING. The Reliance?
Mr. FERRIS. Yes.
Mr. HORNING. That is one of Masters' offices, I believe. I am not positive.
Mr. FERRIS. They are at 619 E Street.
Mr. HORNING. Yes.
Mr. FERRIS. Did you get any money out of them?
Mr. HORNING. Well, I think that comes under Mr. Masters; I am not positive about it.
Mr. FERRIS. How much did you get from Mr. Masters?
Mr. HORNING. As I said this morning, I can not recall exactly, but my recollection is $750.
Mr. FERRIS. $750. How much did you get from the State Brokerage Co.? Do you know them?
Mr. HORNING. The what?
Mr. FERRIS. State Brokerage Co., 639 F Street.
Mr. HORNING. Well, if that is in the Watts-Walls ring, I didn't get anything from it.
Mr. FERRIS You did not get anything from it?
Mr. HORNING. No, sir.
Mr. FERRIS. Do you know whether it is or not?
Mr. HORNING. What?
Mr. FERRIS. Do you know whether it is in that ring or not?
Mr. HORNING. I don't know.
Mr. FERRIS. Do you know a concern in the Warder Building, the Surety Loan Co.? Do you know those people?
Hr. HORNING. Yes, sir.
Mr. FERRIS. Did you get anything from them?
Mr. HORNING. Well, it comes under Masters.
Mr. FERRIS. It comes under Masters?
Mr. HORNING. Yes.
Mr. FERRIS. Is there any other concern in the city that you got money from, that you have not told about?
Mr. HORNING. Not that I can recall.
Mr. FERRIS. Have you any way of investigating that so you can tell if there was any more money you collected?
Mr. HORNING. The only way I could do it would be to call on some of the others and ask them—the only way that I could tell.
Mr. FERRIS. You can not remember?
Mr. HORNING. No.
Mr. FERRIS. After you collected this money, what did you do with it?
Mr. HORNING. Kept it.
Mr. FERRIS. You kept it. Where did you put it?
Mr. HORNING. In my office.

Mr. FERRIS. In your office?
Mr. HORNING. Yes.
Mr. FERRIS. What was the last of that money that you collected? What was the date of the last of that money that you collected?
Mr. HORNING. I can not recall it, sir.
Mr. FERRIS. You can not recall it?
Mr. HORNING. Yes.
Mr. FERRIS. Have you collected any this year?
Mr. HORNING. Oh, no; I don't think so.
Mr. FERRIS Had you collected anything in 1912?
Mr. HORNING. Yes; I collected in 1912.
Mr. FERRIS. When did you collect in 1912?
Mr. HORNING. I don't recall.
Mr. FERRIS. Did you collect any as late as December, 1912?
Mr. HORNING. I just can't recall.
Mr. FERRIS. You can not recall the last of the money you collected. You are sure you have not collected any this year at all?
Mr. HORNING. I can not recall any at all, sir.
Mr. FERRIS. Now, after you paid Mr. Davis $4,000, and after you paid Macfarland & Kenyon $350, what did you do with the balance of that money?
Mr. HORNING. Now, you are getting the two accounts mixed up. Which $2,000 are you referring to?
Mr. FERRIS. I am asking you about both accounts, for this purpose. What did you do with the note brokers money after that?
Mr. HORNING. I kept it all in my private box in the safe.
Mr. FERRIS. You kept it all in your private box in the safe?
Mr. HORNING. It was never put in the bank.
Mr. FERRIS. It never was put in the bank?
Mr. HORNING. No, sir.
Mr. FERRIS. How long has it been there?
Mr. HORNING. All the time.
Mr. FERRIS. It has been there all the time. Now, how far back?
Mr. HORNING. Since I have been collecting. I have always carried one box for it.
Mr. FERRIS. Yes; you always carried one box for the note brokers' account—any amounts you would collect?
Mr. HORNING. Yes.
Mr. FERRIS. Where did you keep the money you collected from the pawnbrokers?
Mr. HORNING. In the same place.
Mr. FERRIS. In the same box?
Mr. HORNING. No; in the drawer under it. I have two drawers.
Mr. FERRIS. Then, as I understand, you have two drawers; one for the note brokers, and one for the pawnbrokers?
Mr. HORNING. Two drawers in that compartment, you know—a little iron box built in with the safe.
Mr. FERRIS. I understand, in your private safe, in your store.
Mr. HORNING. Not my private safe. It is in the safe in the store where I keep all the books of the office, etc.
Mr. FERRIS. It is not a bank; not a public safe? It is your safe?
Mr. HORNING. Yes, sure; there is one little compartment built in that safe for my personal belongings.

Mr. FERRIS. I understand. Now, you put the pawnbrokers' money in one box and the note brokers' in another box—that is, before you spend it?

Mr. HORNING. That is right.

Mr. FERRIS. And you spent all the pawnbrokers' money except the $500 you gave to the campaign?

Mr. HORNING. That is right.

Mr. FERRIS. When did you first tell Ike Burnstine and Heidenheimer that you gave $500 of their money to the Democratic campaign fund?

Mr. HORNING. When did I first tell them of it?

Mr. FERRIS. Yes; when did you first tell them that?

Mr. HORNING. My recollection is the day I gave the money. I am not positive of it.

Mr. FERRIS. You think you told them that the day you gave the money?

Mr. HORNING. My recollection is I told Heidenheimer I was going to make a contribution to the campaign fund, and he did not say "yes" or "no."

Mr. FERRIS. You did not take receipts from the Democratic campaign fund, or any other campaign fund, did you?

Mr. HORNING. No, sir.

Mr. FERRIS. You did not tell the Democratic campaign committee you were giving away their money, did you?

Mr. HORNING. Did I tell them that?

Mr. FERRIS. Yes.

Mr. HORNING. Mr. Costello asked me to get as large a contribution as I could.

Mr. FERRIS. You did not tell the Democratic campaign committee that you were giving away Burnstine's money and Heidenheimer's money and your money for that, did you?

Mr. HORNING. Did I?

Mr. FERRIS. You didn't tell the campaign committee—John Costello or the campaign committee?

Mr. HORNING. Costello knew I was raising money amongst the brokers.

Mr. FERRIS. He did not know you were giving away a fund that was created and raised to fight legislation with, did he? You did not tell him that, did you?

Mr. HORNING. No; I did not tell him that.

Mr. FERRIS. You went and gave it to him as your contribution, didn't you?

Mr. HORNING. No, sir.

Mr. FERRIS. You took a certificate in your name, didn't you?

Mr. HORNING. That certificate is in my name. That is correct.

Mr. FERRIS. Why didn't you tell the Democratic campaign committee and John Costello, national committeeman, that you were giving away funds that belonged to another fund, not your own funds?

Mr. HORNING. Why didn't I tell him? I told him I collected it.

Mr. FERRIS. As a matter of fact, Heidenheimer and Burnstine never knew you gave away their money, collected from them, until this investigation, did they?

Mr. HORNING. I think Heidenheimer——

Mr. FERRIS. You think Heidenheimer knew it?

Mr. HORNING. My recollection is Mr. Costello went with me. Costello was with me when I told Heidenheimer I was going to make this contribution of $500. That is my recollection.

Mr. FERRIS. You think Heidenheimer knew about it?

Mr. HORNING. I think Mr. Costello and I went there.

Mr. FERRIS. When was the first time you told Mr. Heidenheimer and Mr. Burnstine that you paid Mr. Davis $4,000 for services in connection with this legislation?

Mr. HORNING. I never did tell them I paid Mr. Davis $4,000. I never did say I paid him $4,000.

Mr. FERRIS. Why didn't you tell them?

Mr. HORNING. Because they were not interested in the other $2,000. They had nothing to do with it.

Mr. FERRIS. When did you tell J. S. Masters that you gave him $2,000 of their money to fight this case?

Mr. HORNING. Told who?

Mr. FERRIS. J. S. Masters.

Mr. HORNING. Masters?

Mr. FERRIS. Yes; who contributed $750. When did you first tell him that you gave him $2,000 attorney fee?

Mr. HORNING. I never told him, you know.

Mr. FERRIS. You never have told him at all, have you?

Mr. HORNING. No.

Mr. FERRIS. So you went and paid to this attorney $4,000 for attorneys' fees without telling the men you represented a word about it?

Mr. HORNING. I did not have to tell.

Mr. FERRIS. And you never told anybody until this committee brought it out here, did you?

Mr. HORNING. No, sir.

Mr. FERRIS. You never let anybody know it until this committee dragged it out of you, did you?

Mr. HORNING. Never.

Mr. FERRIS. When did you first tell A. F. Case, who contributed $790 to this fund, that you paid $2,000 to an attorney and never let him know anything about it? Did you tell him that?

Mr. HORNING. No, sir.

Mr. FERRIS. You never told a living soul about that until you came before this committee, did you?

Mr. HORNING. That is right.

Mr. FERRIS. And you never told Mr. Watt, who contributed $2,000, how you spent this money?

Mr. HORNING. They did not want to be bothered about that.

Mr. FERRIS. Hold on; you don't know whether they did or not. When did Mr. Wall first find out you paid $2,000 to one attorney?

Mr. HORNING. I don't know whether he knows it now or not.

Mr. FERRIS. You do not know whether he knows it now or not. Who have you told you kept $5,000 in your own safe in a private box that you never spent at all for any purpose? Who have you told besides this committee?

Mr. HORNING. Oh, they all know I have not spent the money.

Mr. FERRIS. How did they know it?

Mr. HORNING. I supposed they all know, because the pawnbrokers were fighting the bill.

Mr. FERRIS. What makes you think they knew? You never told them, did you?

Mr. HORNING. Because the pawnbrokers put up the money. It was the pawnbrokers' fight.

Mr. FERRIS. When did you tell J. S. Masters you had $5,000 of this money in your safe?

Mr. HORNING. I have not told Masters.

Mr. FERRIS. You have not told him, have you?

Mr. HORNING. No.

Mr. FERRIS. When did you tell A. F. Kase you had $5,000 of this money that you had never disbursed for any purpose?

Mr. HORNING. I have not discussed it with him.

Mr. FERRIS. He does not know that now unless he has read of it in the papers?

Mr. HORNING. No.

Mr. FERRIS. Have you ever told Mr. Watt or Mr. Wall of this?

Mr. HORNING. Told them what?

Mr. FERRIS. Have you ever told Mr. Watt, of Philadelphia, that you still had $5,000 of the fund he helped to raise?

Mr. HORNING. No.

Mr. FERRIS. And you have never told Mr. Wall, either?

Mr. HORNING. Not that I know of.

Mr. FERRIS. Who did you tell you had that much money in your hands?

Mr. HORNING. I simply told them I was looking out for legislation; that I intended to fight this bill, and my intention was then to continue to fight this bill if it had to be carried to the Supreme Court of the United States, no matter what it cost, and he said I was perfectly right; to go ahead.

Mr. FERRIS. You never did tell him you had $5,000 of that money in your hands?

Mr. HORNING. He never asked.

Mr. FERRIS. You would not have told them if they had asked about it?

Mr. HORNING. What?

Mr. FERRIS. You would not have told them if they asked about it?

Mr. HORNING. I believe that those gentlemen that contributed that money said very few words about anything.

Mr. FERRIS. You don't think they said very few words about anything. Don't you think, as a business man, Mr. Horning, that when a man contributes $2,000 to a fund, he would want to know what became of his money?

Mr. HORNING. I would take it he had confidence in me, or he would not have given it to me.

Mr. FERRIS. You are a business man, are you not?

Mr. HORNING. Yes, sir.

Mr. FERRIS. You have been engaged in business here how long?

Mr. HORNING. Twenty years.

Mr. FERRIS. You never gave $2,000 to any fund of any kind, unless you exacted an accounting?

Mr. HORNING. I never had occasion to.

Mr. FERRIS. You never did that in your life?
Mr. HORNING. I have never had any occasion to.
Mr. FERRIS. And you never would do that?
Mr. HORNING. I would not swear to that.
Mr. FERRIS. But you will swear you never have done it?
Mr. HORNING. I never had occasion to do it.
Mr. FERRIS. Let me ask you, as a business man, this question: Here you have gone around in this city, where you have been in business 20 years, and maybe collected eleven thousand and more dollars from your business associates, after this bill had passed and become a law, and you have $5,000 in your safe that you have never disclosed to anybody at all before this committee forced it out of you to-day. What do you think of a performance of that kind?
Mr. HORNING. I think this: That after this bill had become a law and Mr. Davis was not successful before the President, I told them we were not going to give up the fight, but I felt the bill was unconstitutional and we were going to stick to it, no matter what it cost, until every dollar was gone.
Mr. FERRIS. Is that what you told Mr. Davis?
Mr. HORNING. No.
Mr. FERRIS. Who did you tell that to?
Mr. HORNING. I told that to the brokers.
Mr. FERRIS. When did the brokers have a meeting at which you told them about that?
Mr. HORNING. We never have any meetings.
Mr. FERRIS. When did you tell Mr. Watt that?
Mr. HORNING. I don't know I have seen Mr. Watt. It was six months or it might have been three months ago.
Mr. FERRIS. You never did tell him that at all, did you?
Mr. HORNING. I told him we were going to stick to the ship, no matter what it cost, and he said that was right; to go ahead and fight the thing.
Mr. FERRIS. You never told Wall that, did you?
Mr. HORNING. I don't think I have seen Wall in a year or 18 months.
Mr. FERRIS. You never wrote him a letter about it?
Mr. HORNING. I don't know his address. I think he is in Chicago.
Mr. FERRIS. You never told him that, did you?
Mr. HORNING. No.
Mr. FERRIS. You just kept $5,000 of that money in your safe—money contributed by your fellow associates here in business—and never told anybody until you were forced to account for this enormous fund you collected. They never knew how it was spent?
Mr. HORNING. They all knew I had money to go ahead with.
Mr. FERRIS. How did they know? You did not tell them.
Mr. HORNING. They knew I would ask for more if I didn't have it.
Mr. FERRIS. Is that the way you let them know you had money on hand, by not asking for more?
Mr. HORNING. Yes. They know what this thing is. They knew I had engaged Tucker, Kenyon & Macfarland to institute proceedings in the courts of the District.
Mr. FERRIS. Are Tucker, Kenyon & Macfarland your attorneys now?

Mr. HORNING. Yes.
Mr. FERRIS. They are your attorneys now?
Mr. HORNING. Yes.
Mr. FERRIS. They are appearing in this case for you?
Mr. HORNING. They are.
Mr. FERRIS. How much money have you paid them, all told.
Mr. HORNING. You mean after the passage of this——
Mr. FERRIS. Altogether. How much have you paid Tucker, Kenyon & Macfarland (they are sitting right over there) altogether, so we will have no misunderstanding about it? All told, how much have you paid them for their services around the Capitol and before the courts?
Mr. HORNING. Well, there was $1,000 on one occasion.
Mr. FERRIS. When was that? What was the date of that?
Mr. HORNING. It was after the passage of this bill.
Mr. FERRIS. You never paid Tucker, Kenyon & Macfarland $1,000 after the passage of this bill, did you?
Mr. HORNING. Yes, sir.
Mr. FERRIS. You paid them $1,000. What was the date of that?
Mr. HORNING. I could not tell you.
Mr. FERRIS. Have you got a receipt for it?
Mr. HORNING. Not to my knowledge.
Mr. FERRIS. Did you ever get a receipt for it?
Mr. HORNING. I never asked for a receipt.
Mr. FERRIS. Whose money did you pay that $1,000 out of? Was that out of the community fund?
Mr. HORNING. No.
Mr. FERRIS. Whose money was that?
Mr. HORNING. I just said that I took $500 away from this other fund to pay for that.
Mr. FERRIS. $500 from the pawnbrokers' fund?
Mr. HORNING. No.
Mr. FERRIS. $500 from the note brokers' fund?
Mr. HORNING. Yes.
Mr. FERRIS. You took $500. Where did you get the rest?
Mr. HORNING. Burnstine put up $250, and I put up $250.
Mr. FERRIS. What did Burnstine have to do with the note brokers' fund? He was a pawnbroker.
Mr. HORNING. It seems like you don't understand. After this bill became—after this bill had become a law—then we wanted to go ahead and fight the bill and have the bill declared unconstitutional. I went to the pawnbrokers, Heidenheimer and Burnstine, and told them the best thing for us to do was to take the case into court; that I was under the impression we could have this law declared unconstitutional. Then Burnstine said, "I will go in with you on that." and Heidenheimer says, "I won't go in with you on it."
Mr. FERRIS. So, Burnstine is in and Heidenheimer out on the fight. All right, we will say you paid Tucker & Kenyon $1,000 after the bill passed. Now, how much more have you paid them?
Mr. HORNING. $350, I believe.
Mr. FERRIS. $350. That makes $1,350. Is that all you have paid them?
Mr. HORNING (after a pause). That is all I can remember; yes, I think that is all.

Mr. FERRIS. So, you have paid Tucker & Kenyon $1,350. That is a firm consisting of four lawyers, is it not?

Mr. HORNING. How is that?

Mr. FERRIS. That is a firm consisting of four lawyers—there are four lawyers in that firm?

Mr. HORNING. Yes. I don't know whether Mr. Bailey is in the firm. I don't know their relations in the firm, or how. He is in the same office, and the person——

Mr. FERRIS. There are three lawyers in the same office, and Mr. Bailey is in the same office?

Mr. HORNING. They trade as Tucker, Kenyon & Macfarland, and I think Mr. Bailey——

Mr. FERRIS. You think Mr. Bailey's office is with them. You paid Mr. Davis $4,000, didn't you?

Mr. HORNING. Yes, sir.

Mr. FERRIS. All told. How many lawyers are in Mr. Davis's firm?

Mr. HORNING. What is that?

Mr. FERRIS. How many lawyers are in Mr. Davis's firm; more than one? He is all alone, is he not?

Mr. HORNING. I think so.

Mr. FERRIS. Now, you did not hire Mr. Davis until after the loan-shark bill had passed and been agreed to in conference, did you?

Mr. HORNING. At the time of the conference.

Mr. FERRIS. Yes. You hired him at the time the bill was in conference, and that was along in January, this year, wasn't it?

Mr. HORNING. I don't know whether it was in December or January.

Mr. FERRIS. Well, I will give you the record. The bill was in conference January 11, 1913, and agreed to by the Senate on that date, and it was agreed to by the House, the conference report was, on January 23, 1913. Now, when was it you hired Mr. Davis?

Mr. HORNING. Well, then, it was at the time of the conference.

Mr. FERRIS. Then it was in January of this year you hired Mr. Davis?

Mr. HORNING. It must be right.

Mr. FERRIS. He was not in your employ prior to that at all, was he?

Mr. HORNING. Oh, no.

Mr. FERRIS. And had not been hired before that, not on this business?

Mr. HORNING. No.

Mr. FERRIS. He had been your private attorney before; is that correct?

Mr. HORNING. Yes, sir.

Mr. FERRIS. He was not in your employ at all prior to January, 1913, this year, was he, for this loan-shark bill?

Mr. HORNING. Yes.

Mr. FERRIS. That is correct?

Mr. HORNING. No; he was on one other occasion.

Mr. FERRIS. When?

Mr. HORNING. I think it was in 1911.

Mr. FERRIS. Mr. Davis was your attorney then?

Mr. HORNING. Mr. Davis has been my attorney——

Mr. FERRIS. I mean in connection with this loan-shark bill. He was your attorney then?

Mr. HORNING. Yes.

Mr. FERRIS. How much did you pay him for his services at that time?

Mr. HORNING. How is that?

Mr. FERRIS. How much did you pay him for his services at that time?

Mr. HORNING. $2,000.

Mr. FERRIS. Not in 1911, you didn't pay him $2,000?

Mr. HORNING. Yes.

Mr. FERRIS. Why, Burnstine and Heidenheimer testified that you never hired him at all until after the bill had passed.

Mr. HORNING. You are all mixed up; I will say that.

Mr. FERRIS. No; I am not all mixed up.

Mr. HORNING. Burnstine and Heidenheimer had nothing to do with that.

Mr. FERRIS. You paid $2,000 out of the note brokers' fund in 1912; is that correct?

Mr. HORNING. That is right; and Burnstine and Heidenheimer did not contribute in any way.

Mr. FERRIS. Yes, that is right; and I stand corrected. I was confused there for a minute. The $2,000 you paid Mr. Davis was out of the note brokers' fund, and Burnstine and Heidenheimer had nothong to do with that; is that correct?

Mr. FERRIS. That was in 1911?

Mr. HORNING. Yes.

Mr. FERRIS. Just what did Mr. Davis do for you in 1911?

Mr. HORNING. Just as I stated this morning, he acted in the capacity of an attorney, and called on Members of Congress.

Mr. FERRIS. Who did he call on?

Mr. HORNING. I did not watch Mr. Davis.

Mr. FERRIS. Did he ever report to you?

Mr. HORNING. I can not recall. I think he saw Senator Gallinger and others, but I don't know.

Mr. FERRIS. Didn't you have talks with others when you were coming up here? Didn't you see Representative Johnson, of the District Committee, and Senator Gallinger, and other people, and didn't you ask him about it?

Mr. HORNING. I was with him.

Mr. FERRIS. You were. What did he do, if you were with him?

Mr. HORNING. Simply explained to Members how absured it was to think we could do business on 2 per cent, and explained the situation to them like I had put it to him, that every one would discontinue business.

Mr. FERRIS. How many Members did he put it up to in that way?

Mr. HORNING. I could not answer.

Mr. FERRIS. You were with him, were you not?

Mr. HORNING. Not always.

Mr. FERRIS. Not all the time? How many Members did he put it up to while you were with him in that way?

Mr. HORNING. I would not want to swear to that.

Mr. FERRIS. Twenty?

Mr. HORNING. It might have been; I don't know.
Mr. FERRIS. Ten?
Mr. HORNING. Oh, it was 10 or more.
Mr. FERRIS. Was it more than 20?
Mr. HORNING. I would not want to swear to that.
Mr. FERRIS. You did not have any case in court, did you? You had no litigation pending in court?
Mr. HORNING. Yes.
Mr. FERRIS. It was just this legislation?
Mr. HORNING. I had a case in court.
Mr. FERRIS. Was he attending to that for you?
Mr. HORNING. No.
Mr. FERRIS. You did not have him for that?
Mr. HORNING. Mr. Tucker was attending to that.
Mr. FERRIS. So the only thing that Mr. Davis did in 1911 was to go around and call on these Members? Was that it?
Mr. HORNING. That was it—and attend to the case.
Mr. FERRIS. He never made any argument publicly before any committee, did he?
Mr. HORNING. He wrote a lot of briefs. I don't recall whether Mr. Davis had a hearing or not. I don't recall that.
Mr. FERRIS. You don't even know whether he ever said a word before any committee or not, do you?
Mr. HORNING. I don't know whether he had a hearing before a committee or not.
Mr. FERRIS. You do not even know if he had a hearing or not? So far as you know all he did was to go around and call on a few Senators and Members of Congress and get up a brief?
Mr. HORNING. He got up briefs and attended to the business; yes, sir.
Mr. FERRIS. And for that you paid him $2,000? And for the services of Kenyon, Macfarland & Tucker, a firm consisting of four men, you paid $350? Is that correct?
Mr. HORNING. $1,350 all told.
Mr. FERRIS. I know, but for this first matter you paid them $350?
Mr. HORNING. Yes, sir.
Mr. FERRIS. You did not pay this $1,000 for any work that Tucker, Kenyon & Macfarland did around Congress at all, did you? You did have litigation pending in the court; is that correct?
Mr. HORNING. That is right.
Mr. FERRIS. So all you paid to Tucker, Kenyon & Macfarland for services around the Capitol was $350?
Mr. HORNING. Tucker, Kenyon & Macfarland never came up to the Capitol.
Mr. FERRIS. They did not?
Mr. HORNING. They came up for a hearing.
Mr. FERRIS. At that hearing did they present your case? They did not present your case at any hearing?
Mr. HORNING. Who?
Mr. FERRIS. Tucker, Kenyon & Macfarland.
Mr. HORNING. Yes.
Mr. FERRIS. Where? Before what committee?
Mr. HORNING. Before the District Committee.

Mr. FERRIS. Are you sure of that? Now, as a matter of fact, they did not have any public hearing before the District Committee, did they?

Mr. HORNING. Yes.

Mr. FERRIS. Are you sure of that?

Mr. HORNING. That is where Mr. Tucker did not get proper treatment.

Mr. FERRIS. Were you there?

Mr. HORNING. Yes, sir.

Mr. FERRIS. Did you hear him make a speech before the District Committee?

Mr. HORNING. Yes, sir.

Mr. FERRIS. How long a speech did he make?

Mr. HORNING. That is just what I am saying. Just about as soon as Mr. Tucker started in to argue to the committee they adjourned and gave him to understand that he should be heard, and they never fulfilled that promise, is the way I got it.

Mr. FERRIS. Did Mr. Davis ever appear before the District Committee and present your case for you?

Mr. HORNING. I won't swear whether he did or not.

Mr. FERRIS. As a matter of fact, you do not know?

Mr. HORNING. I do not think so.

Mr. FERRIS. You do not think he did? Who is Bill Hart?

Mr. HORNING. Bill Hart?

Mr. FERRIS. Bill Hart; yes.

Mr. HORNING. I have known Mr. Bill Hart by name for a long time, but I do not know——

Mr. FERRIS. Which Bill Hart did you hire—the young man or the old man?

Mr. HORNING. I never knew there were two.

Mr. FERRIS. You never knew there were two?

Mr. HORNING. No.

Mr. FERRIS. If I told you that there was a father and a son——

Mr. HORNING. I will give you the description of the man that I hired.

Mr. FERRIS. What kind of a man was he that you hired?

Mr. HORNING. I would take him to be a man about 50 years old, about 5 feet 9 to 10 in height, and weighing about 225 to 230 pounds, would be the description.

Mr. FERRIS. Is he a lawyer?

Mr. HORNING. I do not know whether he is—I do not know his occupation.

Mr. FERRIS. Who told you to hire him?

Mr. HORNING. Mr. Davis.

Mr. FERRIS. And you gave him $200, didn't you?

Mr. HORNING. $250.

Mr. FERRIS. $250; and you did not know him at the time?

Mr. HORNING. No—you mean was I acquainted with him?

Mr. FERRIS. Yes.

Mr. HORNING. I never made his acquaintance until Mr. Davis introduced me to him.

Mr. FERRIS. So you hired him and paid him $250 solely on the recommendation of Mr. Davis?

Mr. HORNING. Yes.

Mr. FERRIS. What did Mr. Davis tell you that Bill Hart had to do for you?

Mr. HORNING. He would see the Members about this bill and come in the House and see if they were thoroughly informed of the situation.

Mr. FERRIS. Did he represent to you that Bill Hart had unusual influence and experience with the Members?

Mr. HORNING. No.

Mr. FERRIS. He just told you he was a good man——

Mr. HORNING. He said he was a capable man; "capable" is what he said.

Mr. FERRIS. And you hired him?

Mr. HORNING. Yes. If there had been a dozen more I would have hired them, too, if I could have got them.

Mr. FERRIS. You would have hired a dozen more if you could have got them? You were pretty liberal when you were dealing with other people's money about that time, keeping $5,000 of it in your safe?

Mr. HORNING. I do not think so. If I thought they could be of service——

Mr. FERRIS. And if you thought they could not be of service, you would hire most anybody, keeping $5,000 in your safe?

Mr. HORNING. No, sir.

Mr. FERRIS. Where did you come across Mr. Schulteis?

Mr. HORNING. I don't know. Mr. Burnstine or Mr. Heidenheimer introduced me to him; I don't know.

Mr. FERRIS. He is a lawyer?

Mr. HORNING. I believe so.

Mr. FERRIS. What was he to do?

Mr. HORNING. The same capacity as this.

Mr. FERRIS. To go around and lobby with Members?

Mr. HORNING. If you would call that lobbying, yes, sir.

Mr. FERRIS. Did he do that? Did he carry out his contract?

Mr. HORNING. I don't know what he did; he was there, I suppose, to see Members.

Mr. FERRIS. You do not know whether he saw one Member?

Mr. HORNING. I could not answer that.

Mr. FERRIS. You paid him $200 of the fund money, and lent him another $100, and then when he could not pay that you put that in the fund, and made the other members chip in, too?

Mr. HORNING. Yes.

Mr. FERRIS. I believe you said you hired another man by the name of Sullivan? Who told you to hire him?

Mr. HORNING. Mr. Davis suggested Mr. Sullivan to me.

Mr. FERRIS. So Mr. Davis told you to hire him too, did he?

Mr. HORNING. He suggested him to me, and I hired him.

Mr. FERRIS. How much did you give him?

Mr. HORNING. $200.

Mr. FERRIS. So you gave Mr. Davis $4,000 and you gave Mr. Schulteis $300 and you gave Mr. Sullivan $200 and you gave Bill Hart $300; is that right—$250?

Mr. HORNING. That is right.

Mr. FERRIS. And you never knew either Bill Hart or Sullivan or Schulteis prior to this controversy, did you?

Mr. HORNING. How is that?

Mr. FERRIS. You never had the acquaintance of any one of those three men prior to this loan-shark legislation, had you?

Mr. HORNING. No, sir.

Mr. FERRIS. You merely hired them because Mr. Davis told you to? I believe you said Mr. McDermott owed you $1,085, and I believe you said that none of that money had been loaned to him within the last 16 or 18 months. Is that correct?

Mr. HORNING. I know it is more than 18 months.

Mr. FERRIS. You know it is more than 18 months? What was the date of that telegram when you sent the $200 to Chicago?

Mr. HORNING. My recollection is it was at the head of that $1,800.

Mr. FERRIS. It was at the head of that $1,800?

Mr. HORNING. That is my recollection, sir.

Mr. FERRIS. Do you know the date you sent that?

Mr. HORNING. I do not remember.

Mr. FERRIS. Was that in 1912?

Mr. HORNING. I could not say; I don't know.

Mr. FERRIS. You don't know?

Mr. HORNING. No, sir; I say that I don't think there was a transaction made with Mr. McDermott in 18 months—20 to 24 months.

Mr. FERRIS. As a matter of fact, didn't you send Mr. McDermott by wire, through the Adams Express, $200 last year—in 1912?

Mr. HORNING. No; I think it was the year before.

Mr. FERRIS. You think that was in 1911?

Mr. HORNING. Yes, sir.

Mr. FERRIS. You did send him $200 then?

Mr. HORNING. Yes.

Mr. FERRIS. When did you let him have the next money after that?

Mr. HORNING. I can't recall.

Mr. FERRIS. Was that the last money you ever let him have?

Mr. HORNING. I don't know. I would say no, though.

Mr. FERRIS. You would say you let him have money since that $200 was spent?

Mr. HORNING. My recollection is that——

Mr. FERRIS. Even if that telegram was sent in 1912, sending $200 to Chicago, then you have loaned money to him since that time, haven't you?

Mr. HORNING. My recollection is, from a certain bank transaction, I have not sent Mr. McDermott any money.

Mr. FERRIS. How is that?

Mr. HORNING. My recollection goes back to a loan for Mrs. McDermott, and I don't think I let him have any money since then.

Mr. FERRIS. You do not think you let him have any money since then? Have you let Mr. McMichael have any since then?

Mr. HORNING. What?

Mr. FERRIS. Have you let Mr. McMichael have any money since then?

Mr. HORNING. McMichael? Did he get any?

Mr. FERRIS. Did he get any from you?

Mr. HORNING. Yes; he got $20.

Mr. FERRIS. He got $50 too, didn't he?

Mr. HORNING. Yes, sir.

Mr. FERRIS. You let him have $50?
Mr. HORNING. Yes.
Mr. FERRIS. You did that on a note from Mr. McDermott, didn't you, telling him to let Mack have his jewelry?
Mr. HORNING. As I told you this morning, I don't know how that transaction was. I don't recall the jewelry ever going out that way.
Mr. FERRIS. Who is J. Thilman Hendrick?
Mr. HORNING. What?
Mr. FERRIS. Who is J. Thilman Hendrick?
Mr. HORNING. Hendrick?
Mr. FERRIS. Yes; H-e-n-d-r-i-c-k.
Mr. HORNING. I don't know.
Mr. FERRIS. Don't you know him at all?
Mr. HORNING. Hembrick?
Mr. FERRIS. Do you know Clarence McDermott?
Mr. HORNING. Clarence?
Mr. FERRIS. Yes.
Mr. HORNING. Yes.
Mr. FERRIS. Who is he?
Mr. HORNING. He is a cousin of my wife.
Mr. FERRIS. Is he a relative of Congressman McDermott?
Mr. HORNING. I beg pardon.
Mr. FERRIS. Is he a relative of Congressman McDermott?
Mr. HORNING. Not to my knowledge.
Mr. FERRIS. Not to your knowledge?
Mr. HORNING. No; I am sure to say no.
Mr. FERRIS. Then your wife is not related in any way to Mr. McDermott?
Mr. HORNING. None whatever.
Mr. FERRIS. This is another McDermott entirely; is that correct?
Mr. HORNING. I thought you were referring to Representative McDermott.
Mr. FERRIS. I am asking you who Clarence McDermott is, and you replied that he was a cousin of your wife's.
Mr. HORNING. Clarence McDermott? No; my wife's cousins are named Sullivan, not McDermott.
Mr. FERRIS. Who is Clarence McDermott?
Mr. HORNING. I don't know—Sullivan, not McDermott.
Mr. FERRIS. Do you know Clarence McDermott?
Mr. HORNING. No, sir.
Mr. FERRIS. I thought you said you did.
Mr. HORNING. No, sir.
Mr. FERRIS. Now, about that money down there, the $5,000 you are keeping in that box—as a matter of fact, you loan right out of that box, don't you, Mr. Horning?
Mr. HORNING. No.
Mr. FERRIS. You do not? You have to keep a good deal of money on hand over here across the bridge so you will be ready to make loans at any time, don't you?
Mr. HORNING. That box is not in the business——
The CHAIRMAN. You will have to answer some other way than by a nod.
Mr. HORNING. Yes, sir.

(At the request of the chairman the stenographer read as follows:)

You have to keep a good deal of money on hand over there across the bridge so you will be ready to make loans at any time, don't you?

The CHAIRMAN. The reporter failed to get an answer to the question asked you as to whether or not you did not have to keep a good deal of money on hand. What is your answer?

Mr. HORNING. We carry sufficient to run the business on.

Mr. FERRIS. How much do you carry on hand the most of the time for loan purposes?

Mr. HORNING. In cash?

Mr. FERRIS. In cash.

Mr. HORNING. Oh, I don't know, sir; anything from three to five to seven thousand dollars.

Mr. FERRIS. Then, as a matter of fact, you have $5,000 in the strong box there, and you carry three or four or five or six thousand dollars in addition to that all the time?

Mr. HORNING. Yes.

Mr. FERRIS. And you call that good business judgment to let $5,000 lie there idle?

Mr. HORNING. That is not my money.

Mr. FERRIS. Not your money? But you have been using it like your money, haven't you, employing attorneys, etc.?

Mr. HORNING. I was instructed to do that.

Mr. FERRIS. Who told you to keep that $5,000 in your own private safe after it was not used in this campaign against this loan-shark legislation?

Mr. HORNING. We have never given up the idea. We are going to keep right on until we reach the Supreme Court of the United States.

Mr. FERRIS. You have had no meeting to determine upon that course, have you?

Mr. HORNING. Yes; they all know that.

Mr. FERRIS. Didn't you tell me a while ago you had never told a living soul you had that money there except this committee?

Mr. HORNING. I told them this, in the council—that is, before the case was introduced in court—that, if possible, what should we do, attempt to break this law or stop fighting? They said "Stick to the ship; go ahead."

Mr. FERRIS. Who told you that?

Mr. HORNING. Oh, I don't know; Masters, Bishop, and all of them.

Mr. FERRIS. They told you to keep on fighting?

Mr. HORNING. They told me to go ahead, no matter if I had to go to the Supreme Court of the United States, to spend every dollar that was necessary to look out for our interests.

Mr. FERRIS. But you had already paid your attorneys, Macfarland & Tucker, $1,000, had you not?

Mr. HORNING. What?

Mr. FERRIS. You had already paid your attorneys, Macfarland & Tucker, $1,000 for their fee in that case, had you not?

Mr. HORNING. No; there was—before Mr. Tucker was engaged in this there was quite a conversation about who should be the attorney, whether it would be Mr. Tucker or Mr. Davis, or Tucker and Davis jointly.

Mr. FERRIS. And you finally decided it would be Mr. Tucker, did you?

Mr. HORNING. Yes, sir.

Mr. FERRIS. And is Mr. Davis still your employed attorney, or has he earned this $4,000 fee you paid him?

Mr. HORNING. Well——

Mr. FERRIS. Have you paid up and let him quit?

Mr. HORNING. Mr. Davis and I never quit in 20 years.

Mr. FERRIS. I don't mean about your personal business; I mean about this pawnbroker legislation.

Mr. HORNING. It is all for the time being. If Mr. Davis would say to me to-morrow that——

Mr. FERRIS. I understand; I don't care about that. You have paid him all you expect to pay him?

Mr. HORNING. Yes.

Mr. FERRIS. And you do not owe him any more for this loan-shark legislation?

Mr. HORNING. No.

Mr. FERRIS. And you do not owe Tucker, Kenyon & Macfarland any more?

Mr. HORNING. Yes.

Mr. FERRIS. How much?

Mr. HORNING. If successful, he gets $1,500 more.

Mr. FERRIS. You have paid them $1,000. Then you have more money on hand than you need?

Mr. HORNING. I don't think so.

Mr. FERRIS. Don't you think it would be the part of good faith and good business dealing to send for these men who contributed this fund and let them know you have $5,000 of their money on hand?

Mr. HORNING. Whenever they tell me they are through fighting they are going to get their money. I don't want their money.

Mr. FERRIS. But you never have made any report to them at all as to the amount of money spent or the amount you have on hand?

Mr. HORNING. No.

Mr. FERRIS. How many of them knew you had paid Henry E. Davis $4,000 for those interviews?

Mr. HORNING. They did not pay it.

Mr. FERRIS. How many of them knew you had paid it?

Mr. HORNING. The $2,000?

Mr. FERRIS. The $4,000.

Mr. HORNING. The $4,000 and the $2,000, you get that mixed up.

Mr. FERRIS. I understand you paid $4,000 for both jobs—$2,000 for the pawnbrokers and $2,000 for the money lenders. How many times did you tell them you had paid him that amount of money before this investigation?

Mr. HORNING. Well, I don't know that I ever told them at all; on the other hand, I may have told them.

Mr. FERRIS. You don't know whether you ever told a single one of them, do you?

Mr. HORNING. My recollection is that some of them was in the office, in Mr. Davis's office, and I did tell them—well, Mr. Davis talked to some of the members there on numerous occasions. They knew what I was doing and approved of every transaction.

Mr. FERRIS. They did not know you had paid him $2,000 attorney's fee?

Mr. HORNING. I don't know whether they did or not.

Mr. FERRIS. They did not know you had $5,000 on hand?

Mr. HORNING. They didn't ask me.

Mr. FERRIS. They did not know it, either, did they? You did not tell them?

Mr. HORNING. I don't know——

Mr. FERRIS. Are you sure?

Mr. HORNING. I don't know that I told them all. I may have told them; I don't know.

Mr. FERRIS. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Horning, how do you account for the misunderstanding Mr. Heidenheimer and Mr. Burnstine had about the amount of the fee paid to Mr. Davis? They misunderstand that, don't they?

Mr. HORNING. No.

The CHAIRMAN. They have testified so, or Mr. Heidenheimer has testified very positively here before this committee that he thought the fee was about $1,500. Did you all ever discuss this question of this fee?

Mr. HORNING. I told them what Mr. Davis's fee was.

The CHAIRMAN. How did the misunderstanding arise about that? How did they misunderstand that?

Mr. HORNING. I don't know.

The CHAIRMAN. Did you show them this receipt at the time you got it from Mr. Davis?

Mr. HORNING. I don't know that I ever showed them a receipt.

The CHAIRMAN. You don't know whether you ever showed it to them?

Mr. HORNING. No.

The CHAIRMAN. And you stated why you got this particular receipt. You said it was not your custom to take receipts, but that you got this receipt. How was it you said you got this receipt?

Mr. HORNING. They thought the fee was too large.

The CHAIRMAN. Who did?

Mr. HORNING. Mr. Heidenheimer and Mr. Burnstine.

The CHAIRMAN. Yet you never did show it to them, although you got it?

Mr. HORNING. Not to my knowledge; I don't know that I ever showed it to them; no, sir.

The CHAIRMAN. Did you get it for your protection, then?

Mr. HORNING. No; I got it and told them, so if there was any question about it I would show them the receipt.

The CHAIRMAN. Did you tell them you had the receipt?

Mr. HORNING. No; I told them this, if they would not pay I would.

The CHAIRMAN. Did you tell them that you had a receipt for the $2,000?

Mr. HORNING. I can not recall; I don't think so.

The CHAIRMAN. I understood you to say you got it on account of their complaint.

Mr. HORNING. They thought the fee was too high.

The CHAIRMAN. I do not understand why you should get the receipt because they were complaining about the fee being too high and yet never tell them you had it.

Mr. HORNING. I don't know why it was done. I do not recall. If they had questioned it in any way I would have showed them the receipt.

The CHAIRMAN. How do you account for the fact that Mr. Heidenheimer, even up to the time he came on the stand and while he was on the stand, was of the opinion that that fee was $1,500? Can you account for that? In that conference they had at your home the other night was anything said then about the amount of the fee you paid Mr. Davis?

Mr. HORNING. No.

The CHAIRMAN. Did not Mr. Heidenheimer ask any questions?

Mr. HORNING. He asked how Mr. Davis was paid $2,000 when there was not $2,000 at the settlement. That was what was bothering Heidenheimer.

The CHAIRMAN. You told them $2,000 had been paid?

Mr. HORNING. Yes.

The CHAIRMAN. You told them that night that Mr. Davis got $2,000?

Mr. HORNING. Yes.

The CHAIRMAN. What I don't understand——

Mr. HORNING. That was bothering Heidenheimer, according to his bookkeeping—I don't know what method he used or anything of that kind—that was bothering him at the end of the settlement. His accounts showed $1,700 and something as a balance, and he paid Mr. Davis $2,000, and he could not unravel how that should be. But he lost track in the beginning that he gave me $1,000 that was to pay Tucker,Kenyon & Macfarland, and I cashed that check and kept the money—kept it in the box—and he seemed to forget all about that. He does not seem to remember that at all.

The CHAIRMAN. The $1,700 settlement mentioned in this statement which you have seen was after you had paid this fee to Mr. Davis, was it not?

Mr. HORNING. How is that?

The CHAIRMAN. That $1,700 settlement, or thereabouts, was after the payment of this to Mr. Davis, was it not?

Mr. HORNING. No. In the begining I tried to get enough money from the pawnbrokers so that we could have one person handle that money and tried to raise a fund sufficient to see how much we would spend in fighting this legislation. I requested $10,000 at the beginning and could not get it. So I told Mr. Heidenheimer we had better have enough money on hand so if we had occasion to use it we would just use it and should always carry $750 on hand.

The CHAIRMAN. I understand that, but here is a thing that is a mystery to me, and I would be glad if you would clear it up.

Mr. HORNING. I would be glad to.

The CHAIRMAN. All the committee wants in this matter is plain, unvarnished facts, Mr. Horning. I do not understand this difficulty in the minds of Mr. Heidenheimer and Mr. Burnstine about this $2,000 fee to Mr. Davis.

Mr. HORNING. It looks to me as if Mr. Heidenheimer has not kept his accounts in the proper way.

The CHAIRMAN. But, independently of his accounting, he was under the impression, and so swore before this committee when he was on the stand—as lately as this morning, if I remember correctly; he represented again that his impression was that Mr. Davis's fee for that work paid by the pawnbrokers was $1,500. Now, here you had a receipt——

Mr. HORNING. And have always had it.

The CHAIRMAN (continuing). About the time of this settlement, for $2,000, that you say you got, violating your usual custom; that is, you say it is not your usual custom to take a receipt from Mr. Davis or call upon him for a receipt, but you did in this instance, because there was some complaint on the part of Mr. Burnstine and Mr. Heidenheimer about the amount of the fee; and yet, having been given that receipt you never showed it to these gentlemen and never told them you had such a receipt, and apparently never told them what the amount of the fee was you paid Mr. Davis until you told them the other night out at your home.

Mr. HORNING. Oh, no; that is wrong.

The CHAIRMAN. You did tell them at that time you did pay Mr. Davis?

Mr. HORNING. Yes; I had to do that in order to get the pro rata up.

The CHAIRMAN. Can you account in any way for their thinking it was $1,500 instead of $2,000 then? Do you know how to account for that?

Mr. HORNING. That is past me; I don't know.

The CHAIRMAN. As a matter of fact, Mr. Horning, you exercised a good deal of discretion in this matter, didn't you?

Mr. HORNING. I had to throughout.

The CHAIRMAN. I understand, and to a certain extent you assumed considerable authority about it, too?

Mr. HORNING. I would not handle it unless I had authority.

The CHAIRMAN. Yes; for instance, you assumed the authority, without ever saying a word to Mr. Burnstine about it, to contribute $100 of his money to a campaign fund. By the way, what did Mr. Burnstine say when he found out you had contributed $100 to the campaign fund?

Mr. HORNING. He didn't say anything that I know of.

The CHAIRMAN. He did not make any complaint about it?

Mr. HORNING. Not to my knowledge.

The CHAIRMAN. Do they all seem to be in a pretty good humor about this fee business now?

Mr. HORNING. How is that?

The CHAIRMAN. Do they seem to be in a pretty good humor about this fee business, and about this contribution, and so on? Do they seem to be satisfied now?

Mr. HORNING. As far as I know.

The CHAIRMAN. They did not come out of your house mad, did they, the other night?

Mr. HORNING. They seemed sort of excited; not mad.

The CHAIRMAN. They seemed to be a little excited?

Mr. HORNING. But not mad. I would not take them to be mad. Mr. Heidenheimer was the one that seemed to—he could not unravel

how it was; that is all. He tried to straighten it out, and he can't see it now. He can't remember about the $750. I don't believe he understands it now about the $750.

The CHAIRMAN. Are there any other questions, gentlemen?

Mr. CLINE. I just want to ask him one question here for my own benefit. You had two separate fights on hand, didn't you? I say you had two separate contests on hand, one on the loan-shark bill and the other on the pawnbrokers' bill?

Mr. HORNING. That is right.

Mr. CLINE. That is right, isn't it?

Mr. HORNING. Well, the loan-shark bill—that was amended, including the pawnbrokers. It was the same bill, but amended.

Mr. CLINE. I understand; but you made your collection of about $8,000 to fight the bill on the loan-shark feature, didn't you?

Mr. HORNING. Do you mean the pawnshop or the other?

Mr. CLINE. I mean the loan sharks; I mean the fellows who were loaning money on chattel mortgages.

Mr. HORNING. That was about $8,000.

Mr. CLINE. They were not interested in your fight as pawnbrokers, were they?

Mr. HORNING. The pawnbrokers were not interested in that line.

Mr. CLINE. The other fellows were not interested in the pawnbrokers' line, were they? I say, the gentlemen you collected the $8,000 from were not interested in the pawnbrokers' employment?

Mr. HORNING. No; they did not care whether they went or otherwise.

Mr. CLINE. They were not interested in that?

Mr. HORNING. They were not interested.

Mr. CLINE. Three of you were interested in the pawnbrokers' fight, and these other fellows you collected money from were in the loan-shark fight to declare the bill unconstitutional; is that right?

Mr. HORNING. Yes, sir.

Mr. CLINE. Now, you employed this man Davis in both those connections, didn't you?

Mr. HORNING. Mr. Davis?

Mr. CLINE. Yes.

Mr. HORNING. Mr. Davis in one and Mr. Tucker in the other.

Mr. CLINE. Didn't you employ Mr. Davis also to help you in it?

Mr. HORNING. Mr. Davis was engaged; yes, sir.

Mr. CLINE. You paid him $2,000 in one connection, and $2,000 in the other?

Mr. HORNING. Yes, sir; that is right.

Mr. CLINE. And you took his receipt for the pawnbrokers' fight—for his connection with the pawnbrokers' feature of it?

Mr. HORNING. Was that the receipt?

Mr. CLINE. Yes.

Mr. HORNING. Yes, sir.

Mr. CLINE. Have you got that receipt?

Mr. HORNING. Right there—somebody has it.

Mr. CLINE. This [indicating] is the receipt in the other fight.

Mr. HORNING. This is the pawnbrokers.

Mr. CLINE. No; it is not the pawnbrokers; this receipt is on the loan-shark bill.

Mr. HORNING. That is right.

Mr. CLINE. And now I want the receipt for the $2,000 on the pawnshop fight.

Mr. CLINE. I know; but I want the receipt for $2,000 on the pawnshop matter.

Mr. HORNING. You have the pawnshop there.

Mr. CLINE. That does not say so here.

Mr. HORNING. The loan shark and the pawnshop is all one bill.

Mr. CLINE. I have distinguished them in these two actions in talking about it with you.

Mr. HORNING. As far as the business is concerned, they are different; but this is the same bill.

Mr. CLINE. I understand that; but I have distinguished in these two actions. You had this man Davis in one action and paid him $2,000, and then you employed him in the other and paid him $2,000?

Mr. HORNING. They are all the loan-shark bill; the only difference is this——

Mr. CLINE. I understand they are all merged together; but in the first action you sought to defeat a bill in your own interests, you and the other pawnshop men.

Mr. HORNING. In the pawnshop——

Mr. CLINE. Yes.

Mr. HORNING. Not to defeat it; we tried to get them to give us——

Mr. CLINE. Did you not send Davis to the President to get him to veto the bill?

Mr. HORNING. Yes, sir.

Mr. CLINE. Then you were against the bill, and you paid him $2,000 for that?

Mr. HORNING. That is the receipt.

Mr. CLINE. No; this is on the loan-shark bill.

Mr. HORNING. This is the receipt——

Mr. CLINE. This is over Mr. Davis's signature?

Mr. HORNING. That is right.

Mr. CLINE. Why did you not get a receipt for the other $2,000?

Mr. HORNING. I did not ask for it. I asked for a receipt in this matter.

Mr. CLINE. Why did you not get the other receipt?

Mr. HORNING. There was no occasion for it.

Mr. CLINE. When did the occasion arise for this?

Mr. HORNING. Because there was——

Mr. CLINE. It was when they were up to your house night before last, was it not?

Mr. HORNING. Oh, no.

Mr. CLINE. Did you not talk it over?

Mr. HORNING. No, sir.

Mr. CLINE. Did you not conclude in that interview that it was necessary to show by a receipt for $2,000 where the money had all gone?

Mr. HORNING. No, sir.

Mr. CLINE. And did you not get that nice, clean receipt yesterday morning in Mr. Davis's office?

Mr. HORNING. I did not, sir.

Mr. CLINE. Did you ever take a receipt from Mr. Macfarland for the $1,000?

Mr. HORNING. I never took a receipt from Mr. Macfarland, but the firm of Tucker, Kenyon & Macfarland have a system different from this——

Mr. CLINE. They have a system——

Mr. HORNING. Let me answer the question. For all the money I have ever paid to them, I have never requested a receipt, but they have a system there that when a client——

Mr. CLINE. You have answered my question. Did you ever take a receipt from any other lawyer?

Mr. HORNING. You have not given me a chance to finish answering the question. What I am trying to explain is that I have never asked or requested a receipt from Mr. Tucker, no more so than from Mr. Davis, although the firm of Tucker, Kenyon & Macfarland have a system of mailing bills for transactions, but as far as I am concerned they need not mail it.

Mr. CLINE. But they do not mail a receipted bill until they get their money?

Mr. HORNING. No; and no one else that I know of.

Mr. CLINE. Did you ever get a receipt, other than this, from Davis?

Mr. HORNING. Not to my knowledge.

Mr. CLINE. You have employed him for 20 years?

Mr. HORNING. Yes, sir.

Mr. CLINE. Why did you not take receipts upon other occasions?

Mr. HORNING. I never asked him for receipts.

Mr. CLINE. Or from any other attorney, did you?

Mr. HORNING. No, sir; but it was the custom of Tucker, Kenyon & Macfarland to mail bills.

Mr. CLINE. I know, but they did not mail a receipted bill. You do not get that until you pay the money?

Mr. HORNING. Does anyone else do that?

Mr. CLINE. No; how did you come to go to Mr. Davis's office yesterday morning?

Mr. HORNING. Yesterday morning?

Mr. CLINE. Yes.

Mr. HORNING. I went up there.

Mr. CLINE. How did you come to go up there?

Mr. HORNING. I do not know.

Mr. CLINE. Did he send for you?

Mr. HORNING. No, sir.

Mr. CLINE. Did you send for him, or telephone him you wanted to see him?

Mr. HORNING. No, sir; not at all. I know I just went up there.

Mr. CLINE. What for?

Mr. HORNING. I do not know; just went in to see if there was anything new.

Mr. CLINE. That was just 24 hours ago, and you were considering this important matter, and you say you do not know what you went there for.

Mr. HORNING. I went to see if he had anything new.

Mr. CLINE. On what.

Mr. HORNING. That is my custom, to talk to attorneys.

Mr. CLINE. Do you go in every day to Mr. Davis's office?

Mr. HORNING. Do I go in every day to Mr. Davis's office? No.

Mr. CLINE. How did you come to go yesterday morning?

Mr. HORNING. That is what I told you. First of all, I went there to see Mr. Davis yesterday morning, more to see about the doctor than otherwise; to see about my condition; it was impossible for me to hear anything, and knowing that Mr. Heidenheimer had been on the stand, I naturally assumed that I would follow that up. I asked him if he thought by getting a certificate from a doctor that I could be excused until this cold went away, so that I could hear something. He told me to go to the doctor if I felt that way, and to get a doctor's certificate, and I got it.

Mr. CLINE. You have gotten along all right, have you not?

Mr. HORNING. What is that?

Mr. CLINE. You have gotten along all right? We have your testimony.

Mr. HORNING. It was only a little inconvenient to you gentlemen.

Mr. CLINE. A little inconvenient to you?

Mr. HORNING. No; I do not object to it. I am not suffering.

Mr. CLINE. Was that all you talked about to Davis?

Mr. HORNING. Yes, sir; it was about the doctor.

Mr. CLINE. Did you tell him you had a visit at 1 o'clock or 2 o'clock at night from your friends concerning this matter?

Mr. HORNING. No, sir.

Mr. CLINE. You say you send out money from your store as high as three or five packages a day sometimes?

Mr. HORNING. I said I send out packages, from 2 to 10 packages; sometimes as high as 10. We have to send goods all over the country.

Mr. CLINE. You send goods that way?

Mr. HORNING. Goods and money and otherwise.

Mr. CLINE. What do you send out money for?

Mr. HORNING. Well, if you are in Boston and you want to deal with me, you put jewelry in a box and send it to me, and I make a loan on it, and put it in the box and send it back to you.

Mr. CLINE. I would do my business in Boston; I would not send it to you. Do you have customers in Boston?

Mr. HORNING. We have them all over the country.

Mr. CLINE. You have them all over the country?

Mr. HORNING. People that come in here, and it is nothing unusual to get a package by express from people sending their diamonds on here, and instead of sending them checks, they invariably say, "Put the money in a box and send it." That is nothing unusual.

Mr. CLINE. I know it is not unusual for anyone to do that and send it by express. Do you have business correspondence in other places?

Mr. HORNING. Business correspondence?

Mr. CLINE. Yes; from people in the same business you are in? Do not your customers sometimes go in a pawnshop in other places and give them to understand that they have business with you, and have them ship the goods to you and get the money?

Mr. HORNING. Let me see if I understand what you mean. If a gentleman were to come in here now and say he was temporarily embarrassed in some other city, and had to put his goods in New York, it is nothing unusual to say I wish you to send to New York and get those goods out for me; I had them put up here.

Mr. CLINE. Sometimes you send the goods to New York for persons who want to make loans there; is that not true?

Mr. HORNING. I do not understand that.

Mr. CLINE. I say sometimes you may send the goods there to get the loan?

Mr. HORNING. Would I send away to get the goods?

Mr. CLINE. You have sent goods away to parties in New York or in Philadelphia or Boston for friends you have here who want to do business with their friends at home?

Mr. HORNING. Let me see if this is what you mean. If John Smith was a resident of Philadelphia, and he was temporarily embarrassed in Washington, and he put his watch or his diamond with me, and then when he wants them would I send them back to him?

Mr. CLINE. Yes.

Mr. HORNING. We do that every day.

Mr. CLINE. If he wanted to send to some friends in the same business as you are, you would send it there?

Mr. HORNING. I have never had it to occur. I do not think it has ever occurred in my time, or I have ever had it occur.

Mr. CLINE. Do you have any goods sent to you by other persons from outside places?

Mr. HORNING. For loans?

Mr. CLINE. Yes. You frequently do that?

Mr. HORNING. If a person has a customer—if I have a customer in my house to-day who goes to California, and he feels he would rather have his goods in my house, if he has time he would send them to me with the request to send the money back to him.

Mr. CLINE. Do you have anything like this, where your out-of-town customers go into a pawnbroker's shop and have the pawnbroker send the goods to you?

Mr. HORNING. See if this is what you mean: If a piece of goods was in Simpson's, in New York, and you would ask me to send to New York and get the goods, I would send and get them. Is that what you want?

Mr. CLINE. Yes.

Mr. HORNING. We do that often.

Mr. STAFFORD. When you received this $1,000 by check from Mr. Heidenheimer, what did you do with it?

Mr. HORNING. That check was to pay Mr. Tucker's fees for that case; he was to get $1,000 in that case, and I cashed it and put the money away. I cashed the check in the morning for him.

Mr. STAFFORD. Mr. Tucker, you say, was to get $1,000 in this pawnbrokers' case for his fee?

Mr. HORNING. I beg your pardon?

Mr. STAFFORD. You say Mr. Tucker was to get $1,000 in this pawnbrokers' case; did he get that?

Mr. HORNING. Who?

Mr. STAFFORD. Mr. Tucker.

Mr. HORNING. He got $250.

Mr. STAFFORD. What did you mean by your answer when you said you cashed the check?

Mr. HORNING. I said Mr. Tucker was to get $1,000 if he was successful.

Mr. STAFFORD. What did you do with that $1,000?

Mr. HORNING. $750 I carried.

Mr. STAFFORD. What did you do with the check when you received it from Heidenheimer?

Mr. HORNING. I cashed it in the bank.

Mr. STAFFORD. What did you do with the money?

Mr. HORNING. That is what I am saying; I cashed the check.

Mr. STAFFORD. Did you bring back the $1,000 and put it in the strong box?

Mr. HORNING. I know I had $750 there.

Mr. STAFFORD. What did you do with the $1,000 from this check?

Mr. HORNING. I can not recall where the $250 went, unless it was paid to Tucker.

Mr. STAFFORD. You never paid Tucker?

Mr. HORNING. I think Heidenheimer paid him.

Mr. STAFFORD. Paid him many months before, did he not?

Mr. HORNING. I think Heidenheimer sent his check to Tucker.

Mr. STAFFORD. Paid him almost a year before you received this $1,000 check?

Mr. HORNING. No; I do not think so.

Mr. STAFFORD. The record shows that is the fact.

Mr. HORNING. I do not think so.

Mr. STAFFORD. I say the record shows that is the fact.

Mr. HORNING. I do not know that.

Mr. STAFFORD. You say you cashed this $1,000 check you received from Heidenheimer?

Mr. HORNING. Yes, sir; I cashed that.

Mr. STAFFORD. Where is that check? The receipt offered in evidence shows that Mr. Tucker was paid his $250 by Mr. Heidenheimer on August 22, 1911, and this check for $1,000 is dated July 5, 1912. If Mr. Tucker had been paid by Mr. Heidenheimer $250 on August 22, 1911, what was the occasion then for your asking Mr. Heidenheimer for this check of $1,000 on July 5, 1912?

Mr. HORNING. I do not know that I cashed the check. Let me see if my signature is there [examining check]. That is my signature.

Mr. STAFFORD. Mr. Heidenheimer has testified that he gave you, prior to that check of $1,000, another check on April 12, 1912, for $180, and subsequently, on August 30, 1912, a check for $113, making a total of $1,293; is that in addition to those checks he gave you sundry cash amounts and besides that total of $1,293 he has testified that he also drew his own check, as is shown by this receipt, on August 22, 1911, to Tucker, Kenyon & Macfarland for $250, making $1,543, which, by checks Mr. Heidenheimer accounts as having paid to you, and in addition to that prior to August 30, 1912, when he gave you this last check of $113 he had disbursed on his own account $305, making a total of $1,848.

Now, you claim that there was $750 in the strong box. That would leave a balance, approximately, of $1,000, or accurately, $998. To whom was that money paid prior to August 30, 1912?

Mr. HORNING. I do not know.

Mr. STAFFORD. But you paid it; it has been proven in the testimony here that you paid the money that had been advanced to you by Heidenheimer. How are you going to tell this committee that that money was expended by you?

Mr. HORNING. I do not know. I know that they paid out money, and I paid out money, so much?

Mr. STAFFORD. You have testified that you paid Mr. Schulteis $300.

Mr. HORNING. That is right.

Mr. STAFFORD. And that Mr. Sullivan was employed for $200. That is only $500. That does not explain it. Even that might have been expended after August, 1912. Where did the money go? You expended it?

Mr. HORNING. I can not answer, because I do not know. The only thing I know is this, that at the end of the settlement I had $750.

Mr. STAFFORD. What settlement?

Mr. HORNING. I had $750.

Mr. STAFFORD. Which settlement?

Mr. HORNING. That was in February that I had $750 that I had carried right along for merchandise, when I wanted to use it, all right. I carried that, and at the time of the settlement I had $750.

Mr. STAFFORD. How did Mr. Heidenheimer come to give you a check for $113 on August 30, 1912. when he testifies there was a prior preliminary settlement when you had more than $750 in the strong box?

Mr. HORNING. I do not know.

Mr. STAFFORD. You want the committee then to conclude from your absence of memory that you can not explain how that money was expended?

Mr. HORNING. I say that there was $3,700 and some odd dollars paid in, and that much paid out.

Mr. STAFFORD. But from the testimony of your colleague it shows that you received $1,848 from him, and that you have not explained how it was expended, or you can not.

Mr. HORNING. I explained it. I showed it on there. I know I received so much money, and paid out so much.

Mr. STAFFORD. Mr. Heidenheimer was the cashier for all this money, was he not?

Mr. HORNING. You should get him to explain it himself.

Mr. STAFFORD. Answer the question.

Mr. HORNING. I told you.

Mr. STAFFORD. You did not answer the question. I say, Mr. Heidenheimer was the cashier for all this money, was he not?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. All the money that you received went through Mr. Heidenheimer's hands?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. And yet you can not account for this money, it being shown that you have more than $750 in the strong box which has not been accounted for?

Mr. HORNING. I have no $750. I have not one cent that belongs to that account.

Mr. STAFFORD. You did have that in the strong box you claim?

Mr. HORNING. That is right.

Mr. STAFFORD. And yet you do not account for more than $1,100 here on August 30, 1912. The committee would like to have an accounting. Mr. Heidenheimer swears there was a preliminary set-

tlement on August 30, 1912, when he gave you a check for $113, and at that date he shows by the records that he expended $1,848, and all that you account for is what you say you had in the strong box, $750, leaving $1,100——

Mr. HORNING. Did I understand you to say that Heidenheimer's testimony showed more than $3,700?

Mr. STAFFORD. It shows that on August 30, 1912, he had paid out $1,848, and all that you account for is $750 of it, which you say, was in the strong box, awaiting subsequent payments.

Mr. HORNING. All I can swear to is this, that the money was paid, and I paid it out.

Mr. STAFFORD. Again you testified yesterday as to giving an accounting of this $3,700 which had gone through Heidenheimer's hands; that this was the way the money was expended: Mr. Davis received $2,000; Mr. Hart, $250; Mr. Schulteis, $300; Mr. Sullivan, $200; Mr. Tucker, $350; printing, $100; and a contribution to the Democratic campaign fund, $500, making $3,700 all told.

Mr. HORNING. That is what I testified to; yes, sir.

Mr. STAFFORD. This statement of which you received a copy at the time of the final settlement on February 18, 1913, shows a total amount expended of $3,734.

Mr. HORNING. That is right.

Mr. STAFFORD. It also shows included in that $3,734, $305 expended by Mr. Heidenheimer, which you did not expend. If Mr. Heidenheimer spent the $305 which you did not spend for any of these purposes, you would have spent altogether $4,000 in this matter, and not $3,700. How do you explain it?

Mr. HORNING. I did not spend that much.

Mr. STAFFORD. All that you three prorated among yourselves was on that basis of $3,734.36; you paid 40 per cent; Heidenheimer paid 40 per cent; and Burnstine 20 per cent; and yet here we have your statement given yesterday under oath in which you account for $3,700, which does not include the $305 that Mr. Heidenheimer had expended on his own account. How do you explain it?

Mr. HORNING. I do not know.

Mr. STAFFORD. Taking your statement and his statement, it would show there had been expended $4,000 in all; according to the statement of Heidenheimer that only shows $3,734.36, and by your statement made here yesterday it is shown that you expended $300 too much.

Mr. HORNING. No, sir.

Mr. STAFFORD. These two statements, taken together, will have to bear that construction, unless you can place some other construction upon them.

Mr. HORNING. I can not see them that way.

Mr. STAFFORD. I will ask you what Heidenheimer spent this $305 for, mentioned in the statement of which you received a copy on February 18, 1913?

Mr. HORNING. Mr. Heidenheimer ought to be able to answer that; I can not.

Mr. STAFFORD. Mr. Heidenheimer says he did not pay any of this money to these persons that you mentioned here, except the $250 to Tucker, Kenyon & Macfarland, which is accounted for here especially in a separate item. How do you account for that $300?

Mr. HORNING. I do not know anything about it.

Mr. STAFFORD. You can not explain it? Explain it if you can.

Mr. HORNING. All I can say is that I paid out so much money, and that is all I know.

Mr. STAFFORD. You paid out so much money, but you did not pay any such account of $305. I am asking you how you account for that?

Mr. HORNING. I do not know.

Mr. STAFFORD. It was in the statement furnished you?

Mr. HORNING. I do not know how it was.

Mr. STAFFORD. At the preliminary settlement on August 30, 1912, did you give Mr. Heidenheimer any check for your 40 per cent of the amount of money that had been disbursed up to that time?

Mr. HORNING. That I do not recall. I do not know whether I did or not.

Mr. STAFFORD. Did you ever give Mr. Heidenheimer any check for the 40 per cent of the amount that he was to contribute to, of which he had given the total amount to you as cashier?

Mr. HORNING. The only trouble I see with Heidenheimer is that he thinks that in the beginning there was $1,400 expended.

Mr. STAFFORD. I am asking you to ascertain whether you gave Mr. Heidenheimer at any time any check representing his 40 per cent of the money that he had advanced as being cashier for this fund?

Mr. HORNING. I never recall giving Mr. Heidenheimer a check for anything.

Mr. STAFFORD. Do you recall having given Heidenheimer any money for his 40 per cent pro rata?

Mr. HORNING. I do not know whether I did or not.

Mr. STAFFORD. As I understand the situation, Mr. Heidenheimer advanced all the money to you, even including his 40 per cent?

Mr. HORNING. Yes, sir.

Mr. HEIDENHEIMER. But he testified here that on August 30, 1912, he received from you, either by check or by some other means, the 40 per cent of the amount that was agreed to in settlement at that time, which is 40 per cent of $1,687.36 or $674.94. Did you ever pay that back to Heidenheimer?

Mr. HORNING. I gave him cash.

Mr. STAFFORD. You gave him cash. You are positive about that?

Mr. HORNING. I do not recall giving him a check.

Mr. STAFFORD. With what banks do you do business?

Mr. HORNING. With four banks.

Mr. STAFFORD. Name them.

Mr. HORNING. The Lincoln National Bank, the United States Trust Co., the American National Bank, and Riggs Bank.

Mr. STAFFORD. Have you got the stubs of those checks on those various banks running back for the last two or three years?

Mr. HORNING. I think I could find them.

Mr. STAFFORD. Have you gone over them recently?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. Have you found therein any checks given to Mr. Heidenheimer for his 40 per cent?

Mr. HORNING. No, sir.

Mr. STAFFORD. Have you paid Mr. Heidenheimer his 40 per cent share on any other occasions than at the time of this final settlement on February 18, 1913?

Mr. HORNING. Did I do what? Pay any money at that time?

Mr. STAFFORD. Have you paid Mr. Heidenheimer on any other occasion his 40 per cent of the amount owing to him for money advanced, other than on February 18, 1913?

Mr. HORNING. I think not.

Mr. STAFFORD. Do you want to contradict the testimony of Heidenheimer that he did not receive 40 per cent of the money that had been expended up to and on August 30, 1912?

Mr. HORNING. I do not want to contradict Heidenheimer.

Mr. STAFFORD. He swore to that several times, that you paid to him on August 30, 1912, at a preliminary settlement, 40 per cent of the money then advanced, which amounted to $1,687.36.

Mr. HORNING. Heidenheimer called it a settlement?

Mr. STAFFORD. A preliminary settlement.

Mr. HORNING. That is all right.

Mr. STAFFORD. The statement describes it as a previous settlement—$1,687.36.

Mr. HORNING. I did not pay any attention to it.

Mr. STAFFORD. Heidenheimer paid particular attention to it in his testimony.

Mr. HORNING. He was supposed to. The best I can tell you is that I spent that much money.

Mr. STAFFORD. Have you made any other expenditures other than those that you have detailed here to-day?

Mr. HORNING. No, sir.

Mr. STAFFORD. And yesterday?

Mr. HORNING. That is all.

Mr. STAFFORD. Did the note brokers have any conference or meeting prior to your soliciting contributions for the defeat of the loan-shark bill?

Mr. HORNING. Did they have any meetings?

Mr. STAFFORD. Yes.

Mr. HORNING. They talked it over; yes, sir.

Mr. STAFFORD. When and where was that meeting held?

Mr. HORNING. It was in my office that they were held, as a rule.

Mr. STAFFORD. When was the first meeting held?

Mr. HORNING. I can not recall that.

Mr. STAFFORD. In the early part of 1911?

Mr. HORNING. I think so.

Mr. STAFFORD. Who was present?

Mr. HORNING. They would be hard to name.

Mr. STAFFORD. Name those whom you recall were present there.

Mr. HORNING. Mr. Masters, I believe he was there. I think Mr. Bishop was there, and I do not know whether Mr. Case was there or not; Watt and Wall rarely come to the city.

Mr. STAFFORD. How many such meetings were held, do you think?

Mr. HORNING. Not many.

Mr. STAFFORD. Half a dozen?

Mr. HORNING. Probably so, and probably less.

Mr. STAFFORD. What was agreed upon at that meeting when you were authorized to go around and solicit funds?

Mr. HORNING. Nothing in particular. They asked me to see the boys and see how much we could raise, and raise all we could.

Mr. STAFFORD. Did you state at that meeting how much would be necessary to be raised to defeat this bill?

Mr. HORNING. My suggestion was twenty-five or thirty thousand dollars.

Mr. STAFFORD. What did the others say as to that amount?

Mr. HORNING. Well, they did not see where I was going to get it.

Mr. STAFFORD. How much did they think you would be able to raise?

Mr. HORNING. We did not go into that, I believe, at that time.

Mr. STAFFORD. When was it determined that these note brokers should contribute the amounts you have stated they did contribute?

Mr. HORNING. When was it considered?

Mr. STAFFORD. When was it agreed upon?

Mr. HORNING. I should say that was not agreed upon that I know of; it was what they gave me.

Mr. STAFFORD. There was no plan or estimate as to the amounts that the various brokers should contribute, based upon the amount of business they were doing?

Mr. HORNING. I was to get as much as I could.

Mr. STAFFORD. Did they contribute these amounts all at one time?

Mr. HORNING. I should say not.

Mr. STAFFORD. In how many installments did Mr. Masters pay his contribution of $750 to $800?

Mr. HORNING. I do not know.

Mr. STAFFORD. When did you first call on him for any; when did you first receive any contribution from Masters?

Mr. HORNING. Well, it was in 1911 or 1912.

Mr. STAFFORD. How did you receive that amount, by check?

Mr. HORNING. Sometimes I received checks and sometimes cash.

Mr. STAFFORD. From Mr. Masters how did you receive the money?

Mr. HORNING. I could not say.

Mr. STAFFORD. Well, can you not recall, in his case, whether you received a check or whether you received it in cash?

Mr. HORNING. No. My recollection was, however, that he gave me a check.

Mr. STAFFORD. For the full amount?

Mr. HORNING. No; I never got that at one time from him.

Mr. STAFFORD. How much did you get from him the first time?

Mr. HORNING. Well——

Mr. STAFFORD (interposing). About how much?

Mr. HORNING. I have no idea.

Mr. STAFFORD. Well, of this amount of $750 or $800?

Mr. HORNING. I can not remember that.

Mr. STAFFORD. How many times did Mr. Masters contribute to that fund?

Mr. HORNING. He might have two or three times, so far as I know.

Mr. STAFFORD. When did he first contribute to it?

Mr. HORNING. I can not answer.

Mr. STAFFORD. Was it shortly after this initial meeting in the early part of 1911?

Mr. HORNING. I would say yes. I am not certain about the date, though.

Mr. STAFFORD. And how much would it be, $100, $200, or $500?

Mr. HORNING. You mean, would he give?

Mr. STAFFORD. The first time; yes.

Mr. HORNING. I do not know; I think there were two transactions; I am not certain.

Mr. STAFFORD. Well, according to your recollection, state what the two amounts were?

Mr. HORNING. I do not know whether one was $200 and one was $500 or not. I do not know.

Mr. STAFFORD. How did Mr. Kase make his contribution of $790?

Mr. HORNING. You must understand that I am guessing after these things; I am not swearing to this.

Mr. STAFFORD. It is a prettty good guess, considering how you account for the amount of money now in your strong box and how much you paid to Mr. Davis. I think it is a very good guess. So I think we can act upon the guess.

Mr. HORNING. I do not know but what Mr. Kase was in two transactions.

Mr. STAFFORD. And what were those?

Mr. HORNING. I could not specify the amounts.

Mr. STAFFORD. About how much, to your best recollection?

Mr. HORNING. I would not want to answer that.

Mr. STAFFORD. Was it $200 or $500, or $300 or $400—the first?

Mr. HORNING. Something to that effect; I do not know.

Mr. STAFFORD. Your best recollection is there were two payments?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. How far apart, from the time of the first payment, was the second or the third payment?

Mr. HORNING. I do not recall that.

Mr. STAFFORD. Was it much of a time that intervened?

Mr. HORNING. I have no idea what it was.

Mr. STAFFORD. Do you recall how Mr. Bishop made his $1,000 contribution?

Mr. HORNING. Well, I do not know whether his was in one, two, or three; I do not recall.

Mr. STAFFORD. He was at the preliminary meeting, was he?

Mr. HORNING. I do not know whether he was or not.

Mr. STAFFORD. Your memory is a little bit defective on that?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. Mr. Watt's $2,000; who represented Mr. Watt here in Washington?

Mr. HORNING. Mr. Watt had interests here in Washington.

Mr. STAFFORD. Was he here at any time to consider this matter?

Mr. HORNING. Oh, he comes down once in awhile.

Mr. STAFFORD. Who was his representative here that he had in his absence to look after his interests?

Mr. HORNING. Nobody.

Mr. STAFFORD. How did you receive that $2,000?

Mr. HORNING. I do not know whether his was in two payments or three; something to that effect.

Mr. STAFFORD. Checks?

Mr. HORNING. I could not recall if it was a check or cash.

Mr. STAFFORD. Do you not recall his being in Philadelphia and sending it to you by check?

Mr. HORNING. He never sent it to me from Philadelphia.

Mr. STAFFORD. He did not send them to you here in Washington? All these amounts were handed to you in person and not sent to you by letter?

Mr. HORNING. Were what?

Mr. STAFFORD. Were handed you personally and not sent to you by letter?

Mr. HORNING. I think that is right.

Mr. STAFFORD. How many payments did Mr. Wall make his contribution of $2,000 to you in?

Mr. HORNING. I could not answer whether it was one or two.

Mr. STAFFORD. When you solicited contributions did the gentlemen state to you that they would contribute a certain and definite amount to the fund?

Mr. HORNING. Not to my recollection. I tried to lay it out—to get as much as I could.

Mr. STAFFORD. How much did you have at the beginning, when you first concluded your round of soliciting subscriptions from these men who were note brokers?

Mr. HORNING. I could not answer that?

Mr. STAFFORD. You do not know whether it was several thousand dollars?

Mr. HORNING. Well, I did not have that in the beginning——

Mr. STAFFORD (interposing). When you went around and completed your first solicitation from them?

Mr. HORNING. The main object in the beginning was to try to raise $25,000 or $30,000, and I was not successful.

Mr. STAFFORD. How much did you raise?

Mr. HORNING. Well, it was—what I stated here this morning is partly my recollection of it.

Mr. STAFFORD. After you first made the attempt to raise $25,000, when was the last amount contributed to this $8,000 fund?

Mr. HORNING. I did not get it at regular times. I got it whenever I could.

Mr. STAFFORD. I know. But when was the last contribution after you received the first?

Mr. HORNING. I do not know.

Mr. STAFFORD. Was it a year?

Mr. HORNING. I have no idea.

Mr. STAFFORD. Three years?

Mr. HORNING. It has not been three years.

Mr. STAFFORD. Well, I thought possibly you would not have any idea as to three years, because you said so glibly as to one year, that you did not know anything as to whether it was one year or not. Two years?

Mr. HORNING. No, sir; it was not two years. It could not be two years.

Mr. STAFFORD. When was it that you last made any endeavor to get any amount toward this $8,000 fund?

Mr. HORNING. That is a dead matter. We have not given that any consideration for some time. We were working on the pawnbrokers.

Mr. STAFFORD. You ought to be able, then, to tell the committee when you received your last installment of this $8,000.

Mr. HORNING. No; I could not.

Mr. STAFFORD. Was it six months after you first made this endeavor?

Mr. HORNING. I am just stating that I do not know. I could not answer it.

Mr. STAFFORD. What was the occasion for your going and asking for a second and third subscription after you had received their first?

Mr. HORNING. I wanted to get this stake up. I was in hopes I was going to get Tammany interested in this.

Mr. STAFFORD. Tammany?

Mr. HORNING. I hoped so.

Mr. STAFFORD. When did you give up your hopes or expectation of getting Tammany interested in this?

Mr. HORNING. Well, it did not take me long to decide that.

Mr. STAFFORD. Well, when was it that you gave up hopes?

Mr. HORNING. Well, I do not know just when it was.

Mr. STAFFORD. Was it at that meeting at which Mr. McDermott, the brewery agent, Representative McDermott, and Mr. McMichael were present? Was it on that occasion?

Mr. HORNING. That did not terminate my idea that I might be able to get them interested.

Mr. STAFFORD. What further efforts were made by you to get Tammany interested?

Mr. HORNING. I could not get the amount up that I wanted, and therefore I could not do it.

Mr. STAFFORD. Could not get what amount up?

Mr. HORNING. If I could have raised a stake of $25,000 or $30,000 I would have gone out of Washington. I could not raise it.

Mr. STAFFORD. If you had done what?

Mr. HORNING. If I had got sufficient money—$25,000 or $30,000, something worth talking about—I would have sought elsewhere, but I did not have the money.

Mr. STAFFORD. Sought elsewhere for what?

Mr. HORNING. You see, if we could not get influence to place our case properly before Congress——

Mr. STAFFORD (interposing). You mean, because you could not get $25,000 you ceased your efforts then to go outside of Washington to try to defeat this measure? Do I correctly understand your statement?

Mr. HORNING. Not try and defeat this measure, sir. We never tried to defeat this measure. We are trying to make the members understand that, and I personally feel that we were not treated justly, and we were trying to make this committee understand.

Mr. STAFFORD. That is about the twelfth time you have said that.

Mr. HORNING. That is my personal idea.

Mr. STAFFORD. When was it that you concluded that there was no chance, so far as Congress was concerned, in trying to prevent the passage of this Dyer bill, so far as the loan sharks, as distinguished from the pawnbrokers, are concerned.

Mr. HORNING. When did I form that idea?

Mr. STAFFORD. Yes.

Mr. HORNING. I could say when I formed that idea, because it was very plain to me.

Mr. STAFFORD. Pardon me, what was that?

Mr. HORNING. It was very plain to me.

Mr. STAFFORD. When was it plain; from the start?

Mr. HORNING. No.

Mr. STAFFORD. When did it first dawn upon you that there would not be much chance for you to defeat the Dyer bill, so far as the note brokers' provision was concerned?

Mr. HORNING. Oh, I should say in 1912, some time.

Mr. STAFFORD. 1912?

Mr. HORNING. Just before the bill went to conference.

Mr. STAFFORD. Well, the bill went to conference in 1913.

Mr. HORNING. I beg your pardon.

Mr. STAFFORD. The bill went to conference in 1913.

Mr. HORNING. Well, just a little before it went to conference.

Mr. STAFFORD. You testified that you got acquainted with Representative McDermott shortly after he came here in December, 1907?

Mr. HORNING. I did not state the year; I did not know——

Mr. STAFFORD (interposing). Well, he was elected to the Sixtieth Congress, and the Sixtieth Congress began its session, or began the term, March 4, 1907; and the regular session began December, 1907. You say you got acquainted with Representative McDermott shortly after that occasion?

Mr. HORNING. It was shortly after he came to Washington, whenever that was. I am not familiar with when that was. That has been six or seven years or more ago.

Mr. STAFFORD. He brought letters of introduction, or requests had been forwarded to you, or to your wife, from Chicago, from relatives of yours?

Mr. HORNING. By her aunt, introducing Mr. and Mrs. McDermott.

Mr. STAFFORD. Who was to call upon them in response to those letters?

Mr. HORNING. Well, there were no letters. There was a letter of introduction.

Mr. STAFFORD. Yes. Who presented that letter of introduction?

Mr. HORNING. My wife.

Mr. STAFFORD. Not you? You did not accompany your wife?

Mr. HORNING. Sir?

Mr. STAFFORD. You did not accompany your wife on that occasion?

Mr. HORNING. Yes, sir; I do not know that we presented any letter. We sent in our cards and introduced ourselves. I do not know whether there was any letter.

Mr. STAFFORD. Where was Mr. McDermott living at that time?

Mr. HORNING. It was on East Capitol Street near the corner of Fifth or Sixth Street, if I remember correctly.

Mr. STAFFORD. A private house?

Mr. HORNING. In some doctor's house; yes, sir.

Mr. STAFFORD. When you went to New York and met Mr. McDermott, the brewery agent, as I understood your testimony yesterday, that was the first time you had met him?

Mr. HORNING. Mr. John McDermott?

Mr. STAFFORD. Yes.

Mr. HORNING. Oh, no.

Mr. STAFFORD. You had known him previous to that meeting?

Mr. HORNING. I sold him a diamond ring, or something, previous to that, if I remember correctly. I knew Mr. McDermott previous to that.

Mr. STAFFORD. You knew him previous to the selling of the diamond ring?

Mr. HORNING. No; I say I think I had sold him a diamond ring previous to my going to New York and seeing him on that occasion. Mr. McDermott asked me on one occasion, whenever I had a sale here at my place, if I could pick up a diamond—I knew the stone, I knew exactly what he wanted; if I could pick it up for him to let him have it, and I think that was previous to this.

Mr. STAFFORD. To the best of your recollection, where was the first time you met Representative McDermott and Mr. McMichael?

Mr. HORNING. I am not one bit familiar with that. My wife may tell where——

Mr. STAFFORD. You have had occasion, it has been testified, to go over to New York very frequently?

Mr. HORNING. I went over there to see some doctors.

Mr. STAFFORD. Did you take any certain train when you went over there to consult with the doctors?

Mr. HORNING. Did I what?

Mr. STAFFORD. Did you take any certain train when you went there to consult with the doctors?

Mr. HORNING. No; I went quite often.

Mr. STAFFORD. Did you have any other occasion to go over there than consulting the doctors?

Mr. HORNING. Oh, yes.

Mr. STAFFORD. But you always stopped at the Hotel Victoria when you went over there, and never stopped at any other hotel during all of your visits to New York, except on this occasion, when you met Representative McDermott and Mr. McMichael—in recent years?

Mr. HORNING. I beg your pardon?

Mr. STAFFORD. In recent years?

Mr. HORNING. No; I would stay at the Victoria.

Mr. STAFFORD. You would go right direct to the Victoria from the train and register, would you?

Mr. HORNING. Yes, sir; go right out Thirty-third Street and down to Broadway and Twenty-seventh Street.

Mr. STAFFORD. Go directly to the hotel?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. But on this occasion you did not go to the Victoria?

Mr. HORNING. No.

Mr. STAFFORD. And yet you all met for the first time—is that your best recollection—in the office of the brewery representative, Mr. John McDermott?

Mr. HORNING. No; I say, as I did yesterday, that I can not recall where and how we met. I do not know whether I met him in the office, or whether I met him on Broadway, or at the station, or what. I do not know. I have no recollection on that. I can not get myself together on that at all.

Mr. STAFFORD. You did register at the Navarre Hotel where Mr. McMichael and Representative McDermott were stopping?

Mr. HORNING. They were stopping at the Victoria; yes, sir.

Mr. STAFFORD. And you went down—at least, you were all together in Mr. McDermott's office, the brewery agent's office, in New York?

Mr. HORNING. We were all there.

Mr. STAFFORD. And you are certain that you did not meet there casually?

Mr. HORNING. I could not say. I know we were all in that office.

Mr. STAFFORD. You did not meet in Mr. McDermott's office casually, did you?

Mr. HORNING. If we—no; I can not say how we did that.

Mr. STAFFORD. You would not have any recollection? You would not wish the committe to think that you just happended to meet there per chance, or casually, in the brewery agent's office?

Mr. HORNING. If I can not—I do not know how I told Mr. McDermott and Mr. McMichael that I was going to call on Mr. John McDermott. I do not know where our meeting place was—so, therefore I could not explain that?

Mr. STAFFORD. After that meeting where did you go?

Mr. HORNING. I went with Mr. John McDermott—and the four of us were together. We went out and walked up Broadway, if I remember correctly.

Mr. STAFFORD. And then went back to the hotel?

Mr. HORNING. I went and registered then, if I remember right, after the meeting. I had not registered at the time of the meeting.

Mr. STAFFORD. Registered after the meeting?

Mr. HORNING. I should judge so.

Mr. STAFFORD. Then, you must have had some appointment prior thereto?

Mr. HORNING. Sir?

Mr. STAFFORD. Then, you must have made some appointment before that to accompany Representative McDermott and Mr. McMichael down to Mr. John McDermott's, the brewery agent's office?

Mr. HORNING. My recollection is that I called on a Mr. Moss first, in Maiden Lane.

Mr. STAFFORD. Did you call upon Mr. Moss, of Maiden Lane, upon this same visit?

Mr. HORNING. I do not know; I am not certain of that.

Mr. STAFFORD. Did you ever see Mr. John McDermott, the brewery agent, after this one meeting?

Mr. HORNING. No, sir; not that I can recall; I never saw him after that.

Mr. STAFFORD. That is all.

The CHAIRMAN. What is Mr. John McDermott's New York address, do you know?

Mr. HORNING. What is his New York address?

The CHAIRMAN. Yes.

Mr. HORNING. Do you mean his residence address?

The CHAIRMAN. Yes. Do you know his residence address; and what is his business address?

Mr. HORNING. It is on Fifteenth Street.

The CHAIRMAN. Do you remember the exact address?

Mr. HORNING. I know how to find it.

The CHAIRMAN. I wish you would get that and furnish it to the committee, will you? Will you get that address and let the committee know what it is, please?

Mr. HORNING. Mr. McDermott's address?

The CHAIRMAN. Yes; his New York address.

Mr. HORNING. You can get the telephone directory and find it right away. It is in the New York Board of Trade Building. His office is in the Board of Trade Building. I should judge that the New York telephone directory would give it. I do not know whether that is the Brewers' Board of Trade; the board of trade on Fifteenth Street. Do you want me to get that address, Mr. Chairman?

The CHAIRMAN. I suppose we can find it then, thank you.

Mr. WILLIS. I desire to make further inquiry of you concerning the disposition which you say was made of this original pawnbrokers' fund of $3,700. What do you say was paid the law firm of Tucker, Kenyon & Macfarland?

Mr. HORNING. I did not hear that very well. Can I step over there?

Mr. WILLIS. What was the amount that was paid out of this original pawnbrokers' fund to the law firm of Tucker, Kenyon & Macfarland?

Mr. HORNING. Two thousand dollars.

The CHAIRMAN. What was the answer to that question?

Mr. HORNING. His original bill?

Mr. WILLIS. What was the amount that was paid out of this pawnbrokers' fund to the law firm of Tucker, Kenyon & Macfarland?

Mr. HORNING. Well, there was two payments; one was $250 and the other was $100, for an opinion or something; I do not just recall what. The total amount was $350.

Mr. WILLIS. Three hundred and fifty dollars?

Mr. HORNING. Yes, sir.

Mr. WILLIS. Did you take any receipt for that?

Mr. HORNING. Well, the firm, as a rule, is in the habit of sending receipts; I did not take it.

Mr. WILLIS. You have already testified, I believe, that in the amount you paid to Mr. Schulteis, or for that amount, you took no receipt. You took no receipt, did you, for the amount you paid to Mr. Schulteis?

Mr. HORNING. No; I think not.

Mr. WILLIS. What was that amount?

Mr. HORNING. I paid Mr. Schulteis $200, and my recollection is that he borrowed $100—$50 on two occasions.

Mr. WILLIS. Had you known Mr. Schulteis any time before this transaction?

Mr. HORNING. No, sir.

Mr. WILLIS. You had had no business dealings with him at all?

Mr. HORNING. I had never seen the gentleman, to my knowledge.

Mr. WILLIS. You are sure that you had never loaned him any money?

Mr. HORNING. How is that?

Mr. WILLIS. You are sure, then, that you had never loaned him any money before the time of this transaction?

Mr. HORNING. I am positive of that.

Mr. WILLIS. But you took no receipt from him?

Mr. HORNING. From Schulteis?

Mr. WILLIS. From Mr. Schulteis; you took no receipt from Mr. Schulteis?

Mr. HORNING. No, sir; I did not take any receipt from Mr. Schulteis.

Mr. WILLIS. Did you take any receipt from Mr. Sullivan?

Mr. HORNING. No; I did not take no receipt from Mr. Sullivan.

Mr. WILLIS. What was the amount that you paid him?

Mr. HORNING. Two hundred dollars.

Mr. WILLIS. You spoke of a Mr. Hart; how much did you pay him?

Mr. HORNING. I paid him $250. I stated yesterday that I was not positive whether it was $200 or $250. It was $250.

Mr. WILLIS. It was $250. Did you take any receipt for that?

Mr. HORNING. No, sir.

Mr. WILLIS. Then, of the various amounts which you expended from this original fund the only one for which you took a receipt was the amount that you paid to Mr. Davis?

Mr. HORNING. That is correct. That is the only one I can recall. Now, the firm of Tucker, Kenyon & Macfarland, they mail you a receipt.

Mr. WILLIS. Yes; you have explained that.

Mr. HORNING. So far as I was personally concerned, they need not have sent me a receipt any more than anyone else.

Mr. WILLIS. Now, will you again explain to the committee just why you took that receipt from Mr. Davis; since you did not take receipts from any of these other gentlemen there must have been special reason why you took the receipt from Mr. Davis; what was that reason?

Mr. HORNING. They wanted to know what Mr. Davis's fee was going to be, and I told them, "Don't worry about that; it will be all right; Mr. Davis will treat you all-right." And after February 4, then they wanted—they said, "What is the fee going to be?" and I said, "I will try and find out"; and I found out, and then they kicked on the fee; they said the fee was too much; they did not care to pay that; that it was exorbitant.

Mr. WILLIS. Then, there was some controversy between you and Mr. Heidenheimer and Mr. Burnstine as to the amount of this fee?

Mr. HORNING. Correct.

Mr. WILLIS. And you took this receipt for your own protection in this controversy?

Mr. HORNING. If they should come up at the time of settlement, or after settlement, with any controversy about that receipt, I had the receipt. That is all.

Mr. WILLIS. Well, the controversy, as I understood your statement, had already come up?

Mr. HORNING. Yes.

Mr. WILLIS. Then, having gotten this receipt, did you show it to Mr. Heidenheimer or Mr. Burnstine?

Mr. HORNING. As I say, I do not know whether I did or not; I do not think I did, though.

Mr. WILLIS. You think you did not show them the receipt?

Mr. HORNING. That is my recollection.

Mr. WILLIS. Even though there was a controversy about the matter? Now, about this other fund—I will denominate it the "Note brokers' fund"—which you say aggregated something like $8,000. What was the purpose in the collection of this fund? What did you propose to do with it?

Mr. HORNING. The situation changed considerably there at one time; it was up to the pawnbrokers to do the fighting, instead of the note brokers.

Mr. WILLIS. Why was it up to the pawnbrokers to fight any more than the note brokers? Just make that clear, please.

Mr. HORNING. There was a reasonable chance for the pawnbrokers, but none for the others.

Mr. WILLIS. Was that why you made the campaign contribution out of the pawnbrokers' fund rather than out of the note brokers' fund?

Mr. HORNING. No, sir.

Mr. WILLIS. Then why did you make it out of the one fund rather than the other?

Mr. HORNING. It was the pawnbrokers' fight.

Mr. WILLIS. It was the pawnbrokers' fight?

Mr. HORNING. Yes, sir; not the note brokers'.

Mr. WILLIS. I understand.

Mr. HORNING. In other words, to be frank with you, I could not see where there was any hopes of ever getting that loan-shark bill proper, working on that; I saw there was a better chance in the pawnshop end of it, and I was taking the better chance.

Mr. WILLIS. You thought that the note brokers' fight was a hopeless case, and the pawnbrokers' was not hopeless?

Mr. HORNING. How?

Mr. WILLIS. You thought that the note brokers' fight was a hopeless case, and that the pawnbrokers' was not a hopeless case?

Mr. HORNING. I didn't say anything about helpless.

Mr. WILLIS. No; I didn't either. You did not understand me. I say, you thought that the note brokers' fight was a hopeless case?

Mr. HORNING. The note brokers' case?

Mr. WILLIS. Yes.

Mr. HORNING. I saw the attitude the District Committee took on it, and from the attitude of the newspapers that there was not much hope.

Mr. WILLIS. And you thought there was some hope in the case of the pawnbrokers' fight?

Mr. HORNING. I saw every reason; it did not take much judgment to figure that out. The police department had no trouble with us. It was in favor of the pawnbrokers coming off the loan-shark bill. The Monday Evening Club, the originators of this bill, they were not in favor of the pawnbrokers being on that bill. Representative Dyer, after putting the pawnbrokers in the bill—I had numerous conversations with him and he finally agreed that the pawnbrokers should come off the bill, and my recollection is he told me to see Representative Johnson and to talk to him along that line. I saw Representative Johnson and talked to him on those lines, and my recollection is that the day of the final vote in the House, which the

records will show, Mr. Dyer attempted to have the pawnbrokers taken off that bill. That is my recollection.

Mr. WILLIS. You say you saw Representative Johnson about this matter. What did he say about it?

Mr. HORNING. He was not in sympathy with us, whatever. He was in sympathy with 6 per cent.

Mr. WILLIS. But you still thought there was a fighting chance for the proposition?

Mr. HORNING. Yes, sir.

Mr. WILLIS. Now, I am trying to discover the reason why you made this campaign contribution at all, out of any of these funds you had collected. Did you make this contribution as an individual contribution, Mr. Horning?

Mr. HORNING. No, sir; I did not.

Mr. WILLIS. You made it as a contribution coming from the pawnbrokers?

Mr. HORNING. No; I did not.

Mr. WILLIS. Then, how did you make it?

Mr. HORNING. Made it in my own name.

Mr. WILLIS. Oh, you made it in your own name. Then, you really made it as an individual contribution?

Mr. HORNING. I don't believe Mr. Costello would have accepted it as a contribution from the pawnbrokers. I don't think he would have accepted it from them.

Mr. WILLIS. Did Mr. Costello know that this fund had been made up among the pawnbrokers and by the pawnbrokers? Did you explain that to him?

Mr. HORNING. He told me to go to see the boys——

Mr. WILLIS. What did he mean by that, now? What did he mean by that; what did you understand him to mean by "Go to see the boys"?

Mr. HORNING. In our business.

Mr. WILLIS. In the pawnbroking business? Go ahead.

Mr. HORNING. And raise as large a stake as possible; that in headquarters they were in need of money, and he wanted to make a showing, and he told me to work hard, and I went to work for Mr. Costello.

Mr. WILLIS. Then, Mr. Costello must have known that this fund was contributed by the pawnbrokers?

Mr. HORNING. There was no reason why he shouldn't have known. He told me to see the boys.

Mr. WILLIS. You stated somewhere in your testimony that you had been requested from headquarters to make a contribution, or to see that one was made. Do you recall who requested you to make such a contribution?

Mr. HORNING. The letter was signed by Mr. Morgantal—he was the treasurer. I can't recall the gentleman's name—Morganthal.

Mr. WILLIS. Morganthau, was it?

Mr. HORNING. Morganthau; yes, sir.

Mr. WILLIS. Did he request you to contribute as an individual, or did he write to you to try to see the boys?

Mr. HORNING. Well, he sent me a letter.

Mr. WILLIS. He sent you a letter requesting you individually and personally to contribute?

Mr. HORNING. And—that is right; yes, sir; not as an association. He did not ask me to write—he didn't write to me as an association.

Mr. WILLIS. Yes. I want to get that clear. But Mr. Costello did ask you to see the boys, meaning the pawnbrokers, and to get up a fund for this contribution?

Mr. HORNING. That is right; yes, sir. I received two letters, if I remember correctly, from New York, one asking me to make the contribution, and the second one stating Mr. Costello and Mr. Davis would call on me. Mr. Davis never called, but Mr. Costello did.

Mr. WILLIS. Can you tell at this time, Mr. Horning, how this other $325 was made up? You have already explained that $500 of it was from the pawnbrokers' fund you had made up.

Mr. HORNING. Yes, sir.

Mr. WILLIS. How about the other $325? How did you get that? Did you contribute that personally?

Mr. HORNING. No. They must——

Mr. WILLIS. Can you state who contributed to that fund?

Mr. HORNING. Yes, sir.

Mr. WILLIS. Who were they?

Mr. HORNING. Mr. Steinem contributed $25, the Steinem Bros., pawnbrokers; Mr. Masters contributed $200, Mr. J. S. Masters. I do not know whether I put that $100 in there or not out of my own money. I think so; I am not positive on that, though. There is a hundred dollars there I can't recall, but I think I paid that myself. I don't know of anybody else I could have got it from.

Mr. WILLIS. The only ones you recall, then, are yourself, Mr. Masters, and Mr. Steinem?

Mr. HORNING. Yes, sir; that is right. That made up the $800. Masters did not want his name—I asked Masters hadn't I better send it as his own contribution, or shall I make it "Horning and associates"? Well, he did not want that; he wanted it direct. The same way with Steinem. He would not. He said, "No; you make it in your own name." I know I suggested that we have this contribution as "Horning and friends," or "Horning and associates," or something, but they did not want it. They wanted it direct. I did not want it that way.

Mr. WILLIS. Did Mr. Costello go with you to see any of these gentlemen who were to contribute to this campaign fund?

Mr. HORNING. Yes, sir.

Mr. WILLIS. Whom did he go with you to see?

Mr. HORNING. What?

Mr. WILLIS. You and he went to see whom, together?

Mr. HORNING. Well, I went and they didn't feel as if they wanted to make a contribution to me, and I asked Mr. Costello if he would mind going along with me so that they would know it was going direct to headquarters.

Mr. WILLIS. Then, it was collected by you and Mr. Costello together?

Mr. HORNING. I know we went in Steinem's. I know we went into Masters's. I don't know whether we went to H. K. Fulton's, or he asked me to go to H. K. Fulton. I do not know whether he was present with me or not.

Mr. WILLIS. Are you sure Mr. Fulton did not contribute anything?

Mr. HORNING. I know that he did not. He refused it.

Mr. WILLIS. Then Mr. Costello clearly knew this fund was made up by the pawnbrokers?

Mr. HORNING. Why, he went with me. He went with me. There was no secrets about it; everything was open.

Mr. WILLIS. Now, I want, if I can, to get your idea of the purpose of this contribution, Mr. Horning. In order to get that idea, let me refer to the testimony that was given by Mr. Heidenheimer yesterday to see whether you agree with him. Mr. Heidenheimer testified——

Mr. HORNING. Just a little easier.

Mr. WILLIS. Mr. Heidenheimer testified as follows—did you get that?

Mr. HORNING. Yes.

Mr. WILLIS. Well, I asked this question. I will read a little above, so you can get the point. I asked this question of Mr. Heidenheimer:

What reason occurred to you as to why Mr. Horning should make this contribution for a campaign fund out of a fund that you say you had collected for the legitimate purpose of controlling legislation? Why did he do that? What was your idea of that?

Mr. Heidenheimer says:

Maybe he was friendly to some Democrats.

Then, I say:

You thought he was friendly to some Democrats.

Mr. Heidenheimer says:

He wanted—I suppose it is proper to contribute to a fund to get acquainted with them.

Now, that was his notion why you contributed.

Mr. HORNING. Let's see. From your reading I take it Mr. Heidenheimer said I wanted to get acquainted with some Democrats.

Mr. WILLIS. I will read just what he said again so you can put your own interpretation on it. Hr. Heidenheimer said:

I suppose it is proper to contribute to a fund to get acquainted with them.

Now, I am asking you whether that is a correct statement of the purpose you had in view? Why were you contributing to a campaign fund out of a pawnbrokers' fund? That is what I want to know.

Mr. HORNING. You holler so loud I don't get anything.

Mr. WILLIS. Then I had better move back.

Mr. HORNING. Just give it to me not so loud.

Mr. WILLIS. I will read it again.

Mr. HORNING. No; I got it all right. If I understand, Mr. Heidenheimer wanted to get acquainted with some Democrats, or I wanted to get acquainted with some Democrats.

Mr. WILLIS. I will read what Mr. Heidenheimer said on that.

Mr. HORNING. But I don't understand it.

Mr. WILLIS. I will read you his statement. He says:

I suppose it is proper to contribute to a fund to get acquainted with them.

Now, obviously——

Mr. HORNING. I would not say that.

Mr. WILLIS. Then, what was the purpose? I want to know what your purpose was in contributing to a campaign fund out of this pawnbrokers' fund. What purpose had you in mind?

Mr. HORNING. None whatever.

Mr. WILLIS. No purpose at all?

Mr. HORNING. No.

Mr. WILLIS. Then, why did you make the contribution?

Mr. HORNING. Because I felt inclined.

Mr. WILLIS. Was this pawnbrokers' fund raised for any political purpose?

Mr. HORNING. No; none whatever.

Mr. WILLIS. For what purpose was it raised?

Mr. HORNING. To look out for their interests.

Mr. WILLIS. To look out for their interests?

Mr. HORNING. Yes.

Mr. WILLIS. Did you feel that making a contribution to a campaign fund would be in line with looking out for your interests?

Mr. HORNING. No, sir; not so far as the political organization was concerned.

Mr. WILLIS. Then, the contribution out of this fund was not in harmony with the purposes for which the fund was created?

Mr. HORNING. How is that?

Mr. WILLIS. I say, the contribution out of the pawnbrokers' fund was not in harmony with the purpose for which the pawnbrokers' fund was created?

Mr. HORNING. It was—it was to do as I saw fit with the money.

Mr. WILLIS. But I understood that money was collected in order to defeat this particular legislation. Did you think that contributing to a campaign fund would help in that direction?

Mr. HORNING. I never gave it in that light.

Mr. WILLIS. Then, what purpose did you have in mind?

Mr. HORNING. In giving that?

Mr. WILLIS. In making campaign contributions out of that fund?

Mr. HORNING. I thought it was proper. I called on Heidenheimer and he had no protest to make whatever, and that was all there was to it, and I made it.

Mr. WILLIS. I am not caring as to whether you think it was proper, but as to the purpose you had in view. Did you think that would aid you in controlling legislation in any way?

Mr. HORNING. I can't answer something I didn't have any thought about. I simply felt inclined to do it, and did it.

Mr. WILLIS. Why were you making this contribution out of the pawnbrokers' fund, you say, and not out of the other fund which you say was so much larger and had not been touched, hardly?

Mr. HORNING. I was trying to make plain I was working on one fight, the pawnbrokers' fight, and not the other fight.

Mr. WILLIS. Did your attorneys give you any advice as to whether or not you had a right to make this campaign contribution out of the pawnbrokers' fund?

Mr. HORNING. Did they give me any advice on it?

Mr. WILLIS. Yes.

Mr. HORNING. I did not ask them.

Mr. WILLIS. You did not ask them?

Mr. HORNING. I asked Mr. Davis, if I remember correctly, on one occasion—I had received several communications from New York that he and Mr. Costello were going to call, and he said, "Costello will attend to it all right, and do the best you can for Mr. Costello." I said, "All right."

Mr. WILLIS. Now, I direct your attention to some more of the testimony of yesterday. Mr. Heidenheimer in his testimony yesterday used the following language. The chairman asked him this question:

But you understood at the time you gave him this $200 that it was to be repaid, did you not?

That is the $200 check that he gave to you for this campaign contribution.

Mr. Heidenheimer replies:

Yes, sir; I understood that it was to be used in the same cause that the other money was spent.

Now, Mr. Heidenheimer clearly understood, then, that this contribution was for the purpose of controlling this legislation. Did you have the same understanding about it?

Mr. HORNING. He was very foolish to think anything like that. I would not assume anything like that; I wouldn't even think that.

Mr. WILLIS. You didn't think that, at all?

Mr. HORNING. I think Mr. Heidenheimer was very foolish to think anything of that kind. I am surprised he would make such a remark.

Mr. WILLIS. Then, in the testimony, at page 1456——

Mr. HORNING. If I understand you, Mr. Heidenheimer felt when that contribution was made I was going to influence the Democratic organization on that contribution?

Mr. WILLIS. I do not mean anything. I am reading you Mr. Heidenheimer's language, and asking you whether you agree with the statement he makes. I will read it again. He says:

I understood that it was to be used in the same cause as the other money was spent.

I now ask you whether that was your understanding of the purpose of this contribution?

Mr. HORNING. I am surprised at him. I would not assume that, no, sir.

Mr. WILLIS. Well, what was the purpose of it? Why did you make the contribution?

Mr. HORNING. Because I felt inclined and I gave it, that is all.

Mr. WILLIS. Then, if you felt inclined to make the contribution, there must have been some reason.

Mr. HORNING. I don't see anything wrong about it.

Mr. WILLIS. I am not discussing now whether it was improper. I am trying to discover the purpose you had in view in making a campaign contribution out of a fund that was created for the purpose of defeating legislation. You say you had been advised by your attorney to do as well for Costello as you could. What was your purpose?

Mr. HORNING. I tried very hard to raise $1,000 for Mr. Costello. I went to other interests outside of our line and tried to raise $1,000 or $2,000, if I could. I was not successful. I did not try only in our line, but I went to other interests. I told Mr. Costello I had done all I could.

Mr. WILLIS. Do you know what position Mr. Costello held at that time—what organization; what campaign committee? Who was Mr. Costello?

Mr. HORNING. What his——

Mr. WILLIS. Yes; what was his official connection with the campaign committee?

Mr. HORNING. He was the chairman of the organization in Washington.

Mr. WILLIS. Chairman of the District organization. Do you know whether he was a member of the national committee?

Mr. HORNING. I could not answer that. I know he had interests in New York and attended their meetings there, and I got communications from New York that Mr. Costello was authorized to solicit contributions.

Mr. WILLIS. Now, one other question here about the disbursement of this note brokers' fund, which aggregated some $8,000. If I understand your testimony, you said that $1,000 was paid to Tucker & Kenyon. Is that correct?

Mr. HORNING. After this bill had become a law.

Mr. WILLIS. Yes. This $1,000 was on the note broker part of the proposition, was it; or on the pawnbrokers', which?

Mr. HORNING. Well, we all—I see that you are bewildered on that.

Mr. WILLIS. Then, it is your place to clear that matter up.

Mr. HORNING. The $1,000—after President Taft had signed the bill, you wanted to know how that $1,000 became Tucker, Kenyon & Macfarland's; is that right?

Mr. WILLIS. All right; go ahead.

Mr. HORNING. All right; $250 of my money personally, $250 of Burnstine's money, and $500 from the note brokers.

Mr. WILLIS. Yes; I was just about to bring that out, but you have stated it. Now, that leads to the question I wanted to ask you: This was paid, now, to these attorneys to carry on this case in court?

Mr. HORNING. That is right; yes, sir.

Mr. WILLIS. At that time you had $5,500 of that fund in your strong box?

Mr. HORNING. Yes, sir.

Mr. WILLIS. That fund was raised for the express purpose of hiring counsel to fight this case, wasn't it?

Mr. HORNING. No.

Mr. WILLIS. Then, what was the purpose?

Mr. HORNING. Here is where the trouble came between the pawnbrokers and the note brokers. There was always a contention between the two that the note brokers—the pawnbrokers in the beginning would not do anything. Finally, when it came to the last, when they had to come in to save themselves, or attempt to save themselves, then there was a feeling between the two interests, between the pawnbrokers and the note brokers, and that feeling still remains.

Mr. WILLIS. I understand that, but we are not talking about the note brokers. This fund—this $8,000 we are talking about—is the note brokers' fund, is it not?

Mr. HORNING. Yes, sir.

Mr. WILLIS. And this $1,000 you paid to Tucker, Kenyon & Macfarland to carry on this case in court; that related to a fight that the note brokers were making, didn't it?

Mr. HORNING. The condition of that is this, that the note brokers would not consent to go ahead and make that fight to benefit Burn-

stine and me in the pawnshop line, unless Burnstine came across with his. Now, they claim to-day that they were getting the best of it. I had sense enough to know there was no use trying on the other, to take on the pawnshop end of it, to take it in there. But I know if this bill should be successfully carried to the Supreme Court, or wherever it may go, that Tucker, Kenyon & Macfarland get $1,500.

Mr. WILLIS. Then, since this fight related to that bill, why did you not pay all of this $1,000 out of this fund that you had for that purpose?

Mr. HORNING. The pawnbrokers had none. They did not have any money. Heidenheimer would not come in on it, and the two interests would not let one interest go ahead and benefit the other, unless they paid their portion of it.

Mr. WILLIS. That is why Mr. Burnstine and yourself paid $250 apiece?

Mr. HORNING. And Heidenheimer wouldn't contribute to that. In other words, it was the pawnbrokers' $500 and the note brokers' $500, and Heidenheimer would not come in on it.

Mr. WILLIS. What was the matter with Heidenheimer? Why did he back out? Wasn't he satisfied with this attorneys' fee before? Was that the trouble, or what was it?

Mr. HORNING. He said he was going out of the city, that he would not work under the law, and I said that rather than give up the business—I said I would not give up the business, that I would rather stick to the business and have the bill declared unconstitutional.

Mr. WILLIS. One other question. You referred to Mr. Thurston as having been your attorney at some previous time.

Mr. HORNING. Mr. Who?

Mr. WILLIS. Mr. Thurston.

Mr. HORNING. He never was my attorney.

Mr. WILLIS. He was the attorney for the pawnbrokers, then?

Mr. HORNING. No, sir; the note brokers.

Mr. WILLIS. The note brokers. Very well. What I want to ask you is, whether Mr. Thurston was attorney for the note brokers during any part of the time that he was a Member of the United States Senate?

Mr. HORNING. Oh, no.

Mr. WILLIS. He was not?

Mr. HORNING. No, sir.

Mr. WILLIS. This was after he had left the United States Senate?

Mr. HORNING. He had his office in the Colorado Building, if I remember correctly, or some building down there.

Mr. WILLIS. That is all.

Mr. HORNING. I think Senator Thurston is the one I was referring to.

The CHAIRMAN. The committee will take a recess until 8 o'clock.

(Thereupon, at 5.30 o'clock p. m., a recess was taken until 8 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee reassembled.

Mr. CLINE (acting chairman.) The committee will be in order. Mr. Nolan, do you want to examine the witness?

Mr. NOLAN. Unless you have some questions.

Mr. CLINE. I have no questions. You may proceed.

Mr. NOLAN. Mr. Horning, you testified to-day that Mr. McDermott was in sympathy with your efforts in regard to that bill on account of his being a "card" man. Do you remember that?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Illustrate what you meant by a "card" man. You meant a Member of Congress that was a union labor man?

Mr. HORNING. This is the way of it: A man that is a member of a labor organization and in good standing, a member of some union, is termed a "card" man.

Mr. NOLAN. Where did you get that expression?

Mr. HORNING. I have heard that many times.

Mr. NOLAN. You did not alone get it in connection with this investigation?

Mr. HORNING. Sir?

Mr. NOLAN. You did not get it in connection with your efforts in behalf of this bill?

Mr. HORNING. Oh, no.

Mr. NOLAN. Now, you testified, I believe, that labor had some interest in that measure, did you?

Mr. HORNING. Yes.

Mr. NOLAN. Tell the committee just exactly what you meant by that.

Mr. HORNING. The Central Labor organization had taken up this bill in their meetings, had discussed it, and eventually appointed a committee to investigate, is the way I should term it.

Mr. NOLAN. Did they indorse your proposition for the exemption of the pawnbrokers?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did you ever appear before the Central Labor organization here; did you ever appear before that council, or a committee of that council?

Mr. HORNING. No, sir.

Mr. NOLAN. You did not?

Mr. HORNING. No, sir.

Mr. NOLAN. When you say that labor was interested you mean the local body of labor here in Washington?

Mr. HORNING. The Central Labor Union.

Mr. NOLAN. Not the American Federation of Labor?

Mr. HORNING. No; not the American Federation.

Mr. NOLAN. The Central Labor Union of Washington, D. C.?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did you ever discuss this legislation with the Central Labor Council?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You did?

Mr. HORNING. From the Central Labor Union.
Mr. NOLAN. Yes. Did you discuss it with them?
Mr. HORNING. Yes, sir.
Mr. NOLAN. Whom did you discuss it with?
Mr. HORNING. Mr. Colpoys, Mr. Ryan, Mr. Stearns, and I think, Mr. Spencer—I am not really positive about Spencer, and I would not attempt to say how many labor men came into the office. There was quite a conversation there for a year or more.
Mr. NOLAN. Was there a committee from the Central Labor Council, or a committee of labor men, that went with your committee to see President Taft?
Mr. HORNING. They were appointed by the Central Labor organization—if I remember correctly, they wrote to President Taft and asked him for a hearing before he signed that bill, is my recollection of it.
Mr. NOLAN. Do you know whether any of the men you have named or any other labor men were active in trying to have the pawnbrokers exempted?
Mr. HORNING. I think they all were.
Mr. NOLAN. Were any of those men, outside of the committees—were any of them as individuals ever employed by you?
Mr. HORNING. Employed?
Mr. NOLAN. Yes.
Mr. HORNING. No, sir.
Mr. NOLAN. Did you ever pay any of them any money for their services?
Mr. HORNING. In one case—I can not consider that I paid him.
Mr. NOLAN. What case was that?
Mr. HORNING. The case of Mr. Ryan.
Mr. NOLAN. Who paid him—or was there any payment made?
Mr. HORNING. In the beginning Mr. Ryan had put in considerable time away from his business, waiting on Members of Congress on behalf of the labor organization. I told Mr. Ryan that I did not think it was fair he should lose time away from his business and not be paid for it, and wanted to pay him. Mr. Ryan refused to accept anything, and said he could not do that. I did not feel right about it, and I called on two other members of that committee and asked them if they thought it was proper if I saw fit to give Mr. Ryan any money for his services, if it would be anything out of the way; that Mr. Ryan refused to accept it. They said, not at all, if I saw fit. However, Mr. Ryan was not inclined to take it.
Mr. NOLAN. Did he take it?
Mr. HORNING. Afterwards he did.
Mr. NOLAN. How much?
Mr. HORNING. Well, he got $500.
Mr. NOLAN. $500?
Mr. HORNING. Yes, sir.
Mr. NOLAN. Did Mr. Stearns get any money?
Mr. HORNING. No, sir.
Mr. NOLAN. Did Mr. Adams get any money?
Mr. HORNING. No, sir.
Mr. NOLAN. Do you know Mr. Adams?
Mr. HORNING. Very well.

Mr. NOLAN. Mr. Colpoys was secretary of the Central Labor Council, and worked as a representative of that body, did he?

Mr. HORNING. Oh, yes.

Mr. NOLAN. You did not tender Mr. Colpoys any money?

Mr. HORNING. No, sir.

Mr. NOLAN. And he did not ask you for any money in return for his services?

Mr. HORNING. No, sir. Mr. Ryan hesitated about taking anything at all. He did not want to take it.

Mr. NOLAN. Mr. Ryan received $500?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did Mr. Stearns get any money?

Mr. HORNING. No, sir; nobody was paid outside of Mr. Ryan.

Mr. NOLAN. Did Mr. McDonald get any money?

Mr. HORNING. How?

Mr. NOLAN. Do you know Mr. McDonald?

Mr. HORNING. McDonald?

Mr. NOLAN. Yes.

Mr. HORNING. Oh, yes; I know Mr. McDonald; yes, sir.

Mr. NOLAN. Did you pay him any money?

Mr. HORNING. No, sir.

Mr. NOLAN. You paid Mr. Ryan $500?

Mr. HORNING. Yes, sir; I gave him $500.

Mr. NOLAN. Was there any understanding that Mr. Ryan should reimburse anybody else?

Mr. HORNING. I did not get that, sir.

Mr. NOLAN. I say, was there any understanding when you paid Mr. Ryan that $500 that he would pay any part of it to anybody else?

Mr. HORNING. No, sir.

Mr. NOLAN. It was for Mr. Ryan's services alone you paid him that $500?

Mr. HORNING. Yes, sir; for his services—his time, not his services.

Mr. NOLAN. Do you know whether anybody else, on behalf of the pawnbrokers or the note brokers, paid any of those labor men any money?

Mr. HORNING. Absolutely no.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Yes.

Mr. NOLAN. So that the only payment that was made to the labor men that assisted was the $500 payment to Mr. Ryan?

Mr. HORNING. I don't claim now that Mr. Ryan was absolutely paid at all.

Mr. NOLAN. When did you give Mr. Ryan this $500?

Mr. HORNING. He has not got it all yet.

Mr. NOLAN. How much did you pay him?

Mr. HORNING. I beg pardon?

Mr. NOLAN. You say he has not got all of the $500. How much has he got?

Mr. HORNING. I could not answer that, because I have got that in an envelope up there—probably anything from $25 to $75 is there for Mr. Ryan yet. He never taken it all at one time.

Mr. NOLAN. He has received over $400?

Mr. HORNING. At different times: yes, sir.

Mr. NOLAN. When did you make your first payment to Mr. Ryan?

Mr. HORNING. I don't know when that was. In the beginning I told Mr. Ryan that I was going to see he got some money—I have been trying to lead back to that thing. Mr. Ryan refused it. He said he would not accept a cent; he did not think it was right. I contended otherwise—that he was neglecting his business coming up to the Capitol here, and I did not feel satisfied. I told Mr. Colpoys and Mr. Adams and asked if they thought it was anything out of the ordinary to pay an attorney that was neglecting his business to attend to this affair.

Mr. NOLAN. Is Mr. Ryan an attorney?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Mr. Ryan is an attorney?

Mr. HORNING. A member of the bar of the District here.

Mr. NOLAN. Mr. Ryan is not affiliated with the Central Labor Council, is he? Is Mr. Ryan affiliated with the Central Labor Council?

Mr. HORNING. I think he was chairman of the legislative committee of that organization.

Mr. NOLAN. And acted on behalf of that committee in this legislation?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And he is an attorney?

Mr. HORNING. An attorney at law; yes, sir.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Oh, positive.

Mr. NOLAN. And none of the other labor men got any money at all; is that right? I say none of the other local labor men got any money outside of Mr. Ryan?

Mr. HORNING. That is all.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Positive.

Mr. NOLAN. Where did that $500 come from? What fund did that come out of?

Mr. HORNING. That came out of Mr. Davis's.

Mr. NOLAN. Mr. Davis's money?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Which payment to Mr. Davis? The first payment of $2,000 or the second payment of $2,000?

Mr. HORNING. The second.

Mr. NOLAN. The second $2,000?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Was that second $2,000 paid out of the loan-shark fund or out of the pawnbrokers' fund?

Mr. HORNING. The pawnbrokers' fund.

Mr. NOLAN. Then Mr. Ryan's $500 came out of Mr. Davis's fee from the pawnbrokers of $2,000?

Mr. HORNING. No; don't get that $4,000 mixed up.

Mr. NOLAN. I said $2,000.

Mr. HORNING. $2,000; that is right; yes, sir.

Mr. NOLAN. Was it understood in paying Mr. Davis $2,000 that $500 of that money was to go to Mr. Ryan?

Mr. HORNING. Mr. Davis's fee was $2,000.

Mr. NOLAN. Yes.

Mr. HORNING. And I told Mr. Davis how Mr. Heidenheimer and Mr. Burnstine were objecting to the bills going so high. They absolutely refused to pay in a cent more. They said they would rather go out of business, they would rather quit, than they would do this; and I explained the situation to Mr. Davis and told him that Mr. Ryan was certainly entitled to $500, that Heidenheimer and Burnstine would not pay any portion of that, and that I would have to make good that $500 myself out of my own pocket. And Mr. Davis says, "Well, now, if you have got to pay it out of your own pocket and Heidenheimer and Burnstine won't make it good, I am going to let you take $500 of my money for Mr. Ryan."

Mr. NOLAN. That is how Mr. Ryan received his portion of that $500? And you say you have somewhere in the neighborhood of $75 still in your office due Mr. Ryan?

Mr. HORNING. He did not take it all at one time.

Mr. NOLAN. I say, you say you have $75 still coming to him.

Mr. HORNING. I won't say $75; I say between $25 and $75.

Mr. NOLAN. But still, some portion of the $500?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Why didn't you tell us of that transaction this morning when we questioned you so closely about the $2,000? Why didn't you tell us about that $500?

Mr. HORNING. I had no objection.

Mr. NOLAN. Why didn't you, when the committee was inquiring as to who received that money, tell us about that $500 transaction?

Mr. HORNING. Mr. Davis paid that $500 of his money in order that I might give it to Mr. Ryan and not take it out of my personal pocket.

Mr. NOLAN. Why didn't you tell us?

Mr. HORNING. I didn't think it was material.

Mr. NOLAN. You didn't think it was material to let us know where $500 of that $2,000 went?

Mr. HORNING. Mr. Davis got the $2,000.

Mr. NOLAN. I understand that, according to your testimony, and we understood to-day that Mr. Davis got all of the $2,000.

Mr. HORNING. But he wouldn't take it, for I went there and offered him the money and was willing to pay Mr. Ryan out of my personal money, and Mr. Davis said he did not think that was right.

Mr. NOLAN. Did you have any reason to-day for keeping Mr. Ryan's name out of it?

Mr. HORNING. How is that?

Mr. NOLAN. Did you have any particular reason for keeping Mr. Ryan's name out of this?

Mr. HORNING. None whatever.

Mr. NOLAN. Then why didn't you inform the committee that $500 of that $2,000 went to Mr. Ryan?

Mr. HORNING. I had no reason for keeping it out at all, sir.

Mr. NOLAN. Why didn't you tell the committee about it if you had no hesitancy?

Mr. HORNING. I never gave it a thought; never dwelt on that line at all.

Mr. NOLAN. We questioned you very closely concerning that $2,000.

Mr. HORNING. I said that Mr. Davis received the $2,000.
Mr. NOLAN. And you gave Mr. Davis a receipt for $2,000?
Mr. HORNING. And Mr. Davis was paid $2,000.
Mr. NOLAN. And you gave him a receipt for $2,000?
Mr. HORNING. I took Mr. Davis's receipt for $2,000.
Mr. NOLAN. You took a receipt from Mr. Davis for $2,000?
Mr. HORNING. That is right.
Mr. NOLAN. But still you say Mr. Davis only received $1,500 out of that; or, in other words, allowed Mr. Ryan to take $500 of the $2,000?
Mr. HORNING. Mr. Davis gave me $500 to give to Mr. Ryan.
Mr. NOLAN. When did you first make a payment to Mr. Ryan?
Mr. HORNING. When did I make a payment——
Mr. NOLAN. When did you make your first payment to Mr. Ryan of this $500?
Mr. HORNING. I could not recall.
Mr. NOLAN. Was it during 1912?
Mr. HORNING. It was November, I believe, or after November; I don't know which.
Mr. NOLAN. How much did you pay him the first time?
Mr. HORNING. Well, I don't know. Mr. Ryan sometimes got $25, sometimes $50, and things of that kind. I never kept any record of it.
Mr. NOLAN. How much did you give him prior to settling up with Mr. Davis and giving this receipt.
Mr. HORNING. I could not answer that.
Mr. NOLAN. Approximately how much?
Mr. HORNING. I haven't the faintest idea.
Mr. NOLAN. $100, $200?
Mr. HORNING. I do not recall.
Mr. NOLAN. Did you give him any money after you received this receipt for $2,000 from Mr. Davis?
Mr. HORNING. Yes.
Mr. NOLAN. How much?
Mr. HORNING. I have no idea.
Mr. NOLAN. That is, since February of this year?
Mr. HORNING. Yes, sir.
Mr. NOLAN. How much has Mr. Ryan received from you since that time?
Mr. HORNING. Well, if I knew that I could answer the other, but I can not answer either one; I don't know.
Mr. NOLAN. Then Mr. Davis gave you $500 to give to Mr. Ryan?
Mr. HORNING. That is right, sir; after I told Mr. Davis where I was caught for $500.
Mr. NOLAN. He gave you $500?
Mr. HORNING. To give to Mr. Ryan.
Mr. NOLAN. Then you got this receipt from Mr. Davis on February 26 of this year, according to your testimony?
Mr. HORNING. That is right.
Mr. NOLAN. And you paid Mr. Ryan a part of that $500 in November of last year?
Mr. HORNING. That is right, sir.
Mr. NOLAN. How do you account for that? That you paid him out of the $500 that you got from Mr. Davis?

Mr. HORNING. How do I account for that?

Mr. NOLAN. Yes. You paid Mr. Ryan some portion of that $500 in November, and you got the $500 from Mr. Davis in February of this year.

Mr. HORNING. Well, to try to illustrate that it would be this: In November or December, if Mr. Ryan got $50 or $100, for example, whatever the amount should be, why when we went to settle for this $500 I deducted that.

Mr. NOLAN. You deducted that for Mr. Ryan.

Mr. HORNING. Yes, sir.

Mr. NOLAN. And you have not made a settlement with him yet, according to your testimony?

Mr. HORNING. I was under no contract with Mr. Ryan whatever.

Mr. NOLAN. I know; but you said when you made a settlement with him you deducted the amount of money, and according to your own testimony you have not made a settlement. He still has anywhere from $25 to $75 in your office?

Mr. HORNING. That is right.

Mr. NOLAN. How did you get the $500 from Mr. Davis——

Mr. HORNING. How did I get the $500?

Mr. NOLAN. Yes; how did you get that from Mr. Davis?

Mr. HORNING. Well, when I offered Mr. Davis the remaining $1,500 I told Mr. Davis the position I was placed in; that I was, in other words, caught for $500; that the boys did not want to give Mr. Ryan any money; that I asked for it and they said no. I told him Mr. Ryan was entitled to $500 in my estimation, and if they did not pay it I was going to pay it, and they did not care whether I paid it or not; the way I looked at it——

Mr. NOLAN. Did you discuss Mr. Ryan and his $500 with Mr. Heidenheimer and Mr. Burnstine?

Mr. HORNING. No; I told them Mr. Ryan should have $500.

Mr. NOLAN. And what did they say?

Mr. HORNING. They said no.

Mr. NOLAN. They refused to give $500 to Mr. Ryan?

Mr. HORNING. They said they would not spend any more money; that they would go out of business before they would spend a dollar more, and they were not going any farther, that they had spent all they were going to spend.

Mr. NOLAN. You thought Mr. Davis earned that $2,000, didn't you; you thought that was a reasonable fee?

Mr. HORNING. Absolutely; and I think so yet.

Mr. NOLAN. Why did you take the $500 out of his $2,000?

Mr. HORNING. I didn't take it out.

Mr. NOLAN. Did you ask him for it?

Mr. HORNING. No, sir.

Mr. NOLAN. Why didn't you take the $500 out of the note brokers' fund?

Mr. HORNING. Take it out for Mr. Ryan?

Mr. NOLAN. For Mr. Ryan; yes.

Mr. HORNING. Mr. Ryan never worked for the note brokers.

Mr. NOLAN. He worked on this bill, which was a general proposition, wasn't it?

Mr. HORNING. Not for the note brokers; Mr. Ryan never worked for the note brokers. The labor organization never was on record for the loan-shark bill proper. Don't get that wrong.

Mr. NOLAN. I understand that——

Mr. HORNING. They were against the note brokers and the chattel-mortgage houses; they were not in favor of that at all.

Mr. NOLAN. Did you think it was better to take $500 from Mr. Davis to pay Mr. Ryan than to take it out of the note brokers' fund?

Mr. HORNING. Mr. Ryan had not done anything for the note brokers.

Mr. NOLAN. Did you have any more reason to do that than to take $500 of Mr. Burnstine's and Mr. Heidenheimer's money and contribute it to the campaign fund?

Mr. HORNING. Absolutely. Mr. Ryan put in his time in behalf of the pawnbrokers, and not for the note brokers or the chattel-mortgage houses.

Mr. NOLAN. Did anybody of the campaign committee do anything for the pawnbrokers?

Mr. HORNING. How is that?

Mr. NOLAN. Did anybody in connection with that campaign contribution do anything for the pawnbrokers?

Mr. HORNING. Not a thing.

Mr. NOLAN. Then, why did you distinguish in paying that $1,500 out of the pawnbrokers' fund and paying Mr. Ryan $500 out of the note brokers' fund?

Mr. HORNING. Mr. Ryan had never worked, and Mr. Ryan, I am sure, would never have had anything to do with it if he thought it was coming from the note brokers or the chattel-mortgage houses, because he was not interested in that line whatever. He was not instructed by the labor organization to do that.

Mr. NOLAN. Then why did you differentiate in paying that $500 out of the pawnbrokers' fund and paying Mr. Ryan $500 out of the note brokers' fund?

Mr. HORNING. Mr. Ryan had never worked, and I am sure would not have had anything to do with it if he thought we were getting it from the chattel-mortgage houses.

Mr. NOLAN. Why, if Mr. Ryan was taking that view of it, did you not tell him that $500 was from Mr. Davis's fee? Did you tell him that?

Mr. HORNING. Did I tell Ryan that?

Mr. NOLAN. Yes.

Mr. HORNING. I do not know whether I did or not.

Mr. NOLAN. Do you know whether you did or not?

Mr. HORNING. No.

Mr. NOLAN. You do not think you did?

Mr. HORNING. I won't swear on that at all.

Mr. NOLAN. Then why did you not take $500 out of the note brokers' fund—you need not have told Ryan about that—if you thought Mr. Davis earned his $2,000 and gave service for it.

Mr. HORNING. I could not do that.

Mr. NOLAN. You could not do that in one instance, but you could in another, and you could take the $500 out of the pawnbrokers' fund and contribute it to the campaign fund, according to your own statement.

Mr. HORNING. My opinion is that Heidenheimer knew about that, because Costello and I went up there.

Mr. NOLAN. Did he know you were taking $500 of that money, $200 of which he would subscribe at the rate of 40 per cent, and give it to a campaign fund?

Mr. HORNING. I think so.

Mr. NOLAN. Did Burnstine know that you took $100 of his money?

Mr. HORNING. I told him.

Mr. NOLAN. When; before or after?

Mr. HORNING. After.

Mr. NOLAN. You told Heidenheimer after, did you, about the $500?

Mr. HORNING. No; I do not think so, because Costello was with me at the time we were in Heidenheimer's office.

Mr. NOLAN. Did you tell Heidenheimer before that you were going to take a part of the pawnbrokers' fund for the campaign fund?

Mr. HORNING. I told him we were going to make a contribution.

Mr. NOLAN. That you were going to make it or that they were going to make it.

Mr. HORNING. I think I used the words "we are." I can not say that positively, but I think I said that.

Mr. NOLAN. Did he agree to that?

Mr. HORNING. He had no objection; he did not say anything; he did not say a word.

Mr. NOLAN. Let us go back to the Ryan disbursements. What services did Ryan perform for the $500?

Mr. HORNING. Ryan worked on different Members of Congress, seeing them, talking with them. If he were instructed to do that by the labor organizations, he did.

Mr. NOLAN. Did you ever see anybody connected with the local labor council here in regard to the passage of a resolution indorsing your position in the Central Labor Council?

Mr. HORNING. Did I——

Mr. NOLAN. Did you ever see any of them prior to the time that they indorsed the exemption of the pawnbrokers; did you ever see any of them in relation to getting the indorsement of that body?

Mr. HORNING. I spoke to numerous people about it.

Mr. NOLAN. Did you speak to Ryan?

Mr. HORNING. No; Ryan was—I did not come in contact with Ryan until after there was a committee appointed.

Mr. NOLAN. You did not speak to Ryan until after a committee was appointed. Was the committee appointed after the resolution was adopted by the central labor council?

Mr. HORNING. How is that?

Mr. NOLAN. I say, was the committee appointed before or after the adoption of the resolution in regard to the exemption of the pawnbrokers?

Mr. HORNING. I can not recall when the time was.

Mr. NOLAN. Did Mr. McDermott take any interest—Congressman McDermott—did he take any interest in that phase of it?

Mr. HORNING. No, sir.

Mr. NOLAN. Had not anything to do with it at all?

Mr. HORNING. Not to my knowledge.

Mr. NOLAN. You did not ask him to do anything, did you?

Mr. HORNING. No, sir.

Mr. NOLAN. Do you know whether any of your attorneys paid any money to any of these labor men, outside of what you told?

Mr. HORNING. I am sure they did not, sir.

Mr. NOLAN. Did your attorneys work in conjunction with them—any of your attorneys?

Mr. HORNING. How is that?

Mr. NOLAN. Did any of your attorneys work in conjunction with the labor men—in conference with them?

Mr. HORNING. Not that I know of.

Mr. NOLAN. They did not engage any of them and agree to pay them any portion of the money that was paid to them?

Mr. HORNING. No, sir. There was no such understanding, to my knowledge.

Mr. NOLAN. You say the only payment made to any men connected with the local labor council here was the $500 you have spoken of, which was paid to Ryan; is that the only amount of money paid?

Mr. HORNING. No. There was one other payment.

Mr. NOLAN. To whom?

Mr. HORNING. Mr. Snelling; I gave him $250.

Mr. NOLAN. Whom?

Mr. HORNING. Snelling.

Mr. NOLAN. What is his position? Is he connected with the central labor council?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Where did that money come from?

Mr. HORNING. That came from the note brokers.

Mr. NOLAN. That came from the note brokers. When did you pay that to Mr. Snelling?

Mr. HORNING. I do not know when I paid that.

Mr. NOLAN. Did you pay that all at one time?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Now, Mr. Horning, what service did Mr. Snelling perform?

Mr. HORNING. Mr. Snelling and Mr. Ryan had been out in the campaign, and visited numerous districts. Snelling had lost some time.

Mr. NOLAN. Just explain what you mean by the "campaign" and "districts." What do you mean by that?

Mr. HORNING. Snelling and Ryan had been out in different districts, had solicited votes, or something like that for Congressmen. I do not know what else campaign means.

Mr. NOLAN. What districts did they go into; do you know?

Mr. HORNING. No, sir; I do not.

Mr. NOLAN. Did you pay them for their services there?

Mr. HORNING. I helped to pay the expenses.

Mr. NOLAN. For their trips to the different districts?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Do you know of any one district into which they went?

Mr. HORNING. I beg your pardon.

Mr. NOLAN. Do you know of any district of any Congressman into which Mr. Ryan or Mr. Snelling went?

Mr. HORNING. Well, they told me, but I do not recall what they were.

Mr. NOLAN. Did they go into Mr. McDermott's district; did they tell you that?

Mr. HORNING. I can not answer whether they worked in that district or not. I do not know. I do not think so.

Mr. NOLAN. Do you know of any one Congressman into whose district they went and did work?

Mr. HORNING. They told me, but I do not remember.

Mr. NOLAN. And you paid them $250 in one instance and $500 in another; you paid Snelling $250 and Ryan $500?

Mr. HORNING. I paid Snelling $250.

Mr. NOLAN. Did Ryan go out in anybody's district?

Mr. HORNING. I beg your pardon.

Mr. NOLAN. Did Ryan go out into anybody's district in the campaign?

Mr. HORNING. I think Ryan, Snelling and Ryan went out together.

Mr. NOLAN. And you paid a part of their expenses; you gave them this money for expenses?

Mr. HORNING. Which money?

Mr. NOLAN. This $500 and the $250?

Mr. HORNING. You have that all wrong.

Mr. NOLAN. Probably I interrupted you where I should not. Tell us about the trips to the districts on campaign work which Snelling and Ryan made.

Mr. HORNING. I can not tell you much about it.

Mr. NOLAN. What has it to do with this case?

Mr. HORNING. What case?

Mr. NOLAN. With the loan-shark and pawnbrokers' bill?

Mr. HORNING. Nothing.

Mr. NOLAN. Then why did you mention it?

Mr. HORNING. Because you asked if I had paid any other labor men any money.

Mr. NOLAN. Did you pay Snelling money to go into these districts?

Mr. HORNING. Did I do what?

Mr. NOLAN. Did you pay Snelling to go into those districts during the campaign?

Mr. HORNING. Afterwards I did.

Mr. NOLAN. Tell us all about that; just exactly all about it.

Mr. HORNING. I can not tell you much more. After the campaign I saw Snelling and told him—I asked him how much time—if he had lost time from his business in this campaign. I do not know exactly what he said. Afterwards I told him that I felt inclined to make him a little present and he did not care to take it, and I asked him to take it because I had considered he had lost time and I wanted to make good that time.

Mr. NOLAN. Doing campaign work?

Mr. HORNING. Doing campaign work; yes, sir.

Mr. NOLAN. Did he go into New York State, Pennsylvania, Maryland, or where did he go?

Mr. HORNING. I do not recall. I did not pay any attention to that.

Mr. NOLAN. You knew he had done campaign work?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did he do that campaign work at your suggestion?

Mr. HORNING. No, sir.
Mr. NOLAN. What did he do on the loan-shark bill for the $250?
Mr. HORNING. Who?
Mr. NOLAN. Snelling.
Mr. HORNING. He lost time.
Mr. NOLAN. On the loan-shark bill?
Mr. HORNING. On the pawnbrokers—Snelling never worked on the loan-shark bill to any extent at all. I think he came up here several times to see some of the labor Congressmen and talked to them.
Mr. NOLAN. On the pawnbrokers' bill?
Mr. HORNING. Yes, sir.
Mr. NOLAN. And you paid him $250?
Mr. HORNING. Yes, sir.
Mr. NOLAN. You paid him out of the note brokers' fund?
Mr. HORNING. Yes; there was no more in the other business.
Mr. NOLAN. How is that?
Mr. HORNING. I say, there was no more in the other business.
Mr. NOLAN. When did you pay him the $250?
Mr. HORNING. I can not recall.
Mr. NOLAN. You did not take that out of any attorney's fee?
Mr. HORNING. No, sir.
Mr. NOLAN. No chance at that time?
Mr. HORNING. No, sir.
Mr. NOLAN. And you did not have any conscientious scruples about digging into the note brokers' fund for Snelling?
Mr. HORNING. I could take that note brokers' fund and use it in any way I saw fit.
Mr. NOLAN. Why did you not take the money out of that for Ryan?
Mr. HORNING. I did not see fit to because if he knew it came out of the note brokers' fund he would not have anything to do with it.
Mr. NOLAN. You did not tell him where you got that money to pay him?
Mr. HORNING. No.
Mr. NOLAN. How would Ryan know where it came from?
Mr. HORNING. I do not know.
Mr. NOLAN. Why did you differentiate between these two men, and take $250 of the note brokers' money that you say you had no right to do and pay Snelling for work for the pawnbrokers, when you say you had $500 of the others, having paid Ryan for the same kind of work? Why did you do that?
Mr. HORNING. I had no reason at all; I simply did it.
Mr. NOLAN. Why did you not pay Ryan $500 out of that instead of taking it from the others?
Mr. HORNING. They were perfectly satisfied. Ryan had worked absolutely for the pawnbrokers and not for the note brokers.
Mr. NOLAN. Why did Mr. Snelling agree to this, do you koow?
Mr. HORNING. No, sir.
Mr. NOLAN. Did you not say he performed services in connection with the pawnbrokers' bill?
Mr. HORNING. Yes, sir.
Mr. NOLAN. And if he was a labor man he could not work for the loan-shark bill?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Then all his work was done for the pawnbrokers?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And you took $250 of the note brokers' fund and gave it to Snelling?

Mr. HORNING. That is correct.

Mr. NOLAN. Did you tell the note brokers that?

Mr. HORNING. I did not have any occasion to tell them that.

Mr. NOLAN. Why did you not tell the others of your troubles in relation to Snelling?

Mr. HORNING. I did not.

Mr. NOLAN. Why did you not?

Mr. HORNING. I had no occasion to do it.

Mr. NOLAN. You had occasion to do it when you said you were short on the pawnbrokers' fund and took $500 of that $2,000 and paid it to him?

Mr. HORNING. I did not tell him any troubles; I told him they would not allow Ryan anything, and I thought Ryan should receive something.

Mr. NOLAN. Why did you not tell him the same thing, why did you not tell him about Snelling?

Mr. HORNING. The only thing I am sorry about is that I did not see an opportunity to use all the money for the note brokers.

Mr. NOLAN. Then, why did you not pay Ryan out of that?

Mr. HORNING. What is that?

Mr. NOLAN. Why did you not pay Ryan out of that, you had a chance to take $500 of it there?

Mr. HORNING. He could have gotten $2,000 if he wanted it, but he would not take any.

Mr. NOLAN. You were pretty liberal with the coin.

Mr. HORNING. Probably so.

Mr. NOLAN. You had conscientious scruples in the case of Ryan, but you had no conscientious scruples in relation to Snelling and the $250 you paid him; is that not right? You took $500 from the others to pay Ryan on the pawnbrokers' end of it, and you took the $250 out of the note brokers' fund to pay Snelling for the same work performed?

Mr. HORNING. That is what I did.

Mr. NOLAN. Whom else did you pay money to?

Mr. HORNING. I do not recall anything else.

Mr. NOLAN. Do you know whether there was any other labor man to whom you made a present?

Mr. HORNING. No, sir.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Absolutely.

Mr. NOLAN. Just refresh your memory and see if you can find anything else. You have been talking about these disbursements all day long. Now, see if you can not find some more.

Mr. HORNING. I do not know of any more.

Mr. NOLAN. Well, your mind is a blank, as far as anybody else is concerned?

Mr. HORNING. I will not say positively. My mind is not a blank.

Mr. NOLAN. How was it you did not testify to the various things since you were on the stand here yesterday afternoon?

Mr. HORNING. There was no occasion for it.

Mr. NOLAN. Why did you not come out, if you felt inclined to tell the committee all the facts, and make a clean breast of it, and tell us about it, right from the start?

Mr. HORNING. There was no secret about it.

Mr. NOLAN. Why did you not do that?

Mr. HORNING. I did not see any occasion for it.

Mr. NOLAN. Did not this committee try in every possible way to make it easy to bring these payments?

Mr. HORNING. I did not have any reason not to answer it.

Mr. NOLAN. You did not tell anything about the note brokers' fund until the chairman questioned you about it to-day. Why did you not tell us in the first instance about this $8,000 that was raised?

Mr. HORNING. I did not think I came here for that purpose. I thought I was here for the pawnbrokers.

Mr. NOLAN. Did not we talk loan-shark bill to you?

Mr. HORNING. I beg your pardon?

Mr. NOLAN. I say, did we not talk about the loan-shark bill to you?

Mr. HORNING. Not until to-day.

Mr. NOLAN. Was not the question asked you yesterday about the first time this bill was introduced in Congress, and did not you say it was a loan-shark bill and did not become a pawnbrokers' bill until the Committee on the District of Columbia reported it? Why did you not tell us yesterday about the amount of money raised by the note brokers?

Mr. HORNING. Nobody asked me anything like that.

Mr. NOLAN. Was not the question asked you if anybody else contributed?

Mr. HORNING. What is that?

Mr. NOLAN. Was not the question asked you whether anybody else contributed any money?

Mr. HORNING. To the pawnshop?

Mr. NOLAN. Was not the question asked you if anybody else, outside of the pawnbrokers, contributed, and you said no?

Mr. HORNING. For the pawnbrokers' fund.

Mr. NOLAN. You are sure you did not answer no about the note brokers' proposition?

Mr. HORNING. The note brokers' fund was not mentioned yesterday.

Mr. NOLAN. Was it mentioned this morning, before you told——

Mr. HORNING. Yes, sir; to-day.

Mr. NOLAN. That is the first time you remember the note brokers' fund was mentioned?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You are sure, Mr. Horning, that you have told us about all the payments you made to everybody?

Mr. HORNING. Well, there were traveling expenses there, you got that, did you?

Mr. NOLAN. Whom for? What traveling expenses?

Mr. HORNING. Hotel bills, traveling expenses for Ryan and Snelling.

Mr. NOLAN. How much did that amount to?

Mr. HORNING. Something between three and four hundred dollars.

Mr. NOLAN. Three and four hundred dollars for the two of them. Do you recall exactly how much?

Mr. HORNING. No; because I did not pay all that.

Mr. NOLAN. Who paid it?

Mr. HORNING. Mr. Charley McGuire.

Mr. NOLAN. Anybody else pay any part of it?

Mr. HORNING. No; that is all. I do not know whether I put up $100 or $150 or $200, or whether McGuire put up the difference; I can not remember that.

Mr. NOLAN. Who is Charley McGuire?

Mr. HORNING. He has a place on Ninth Street between E and F.

Mr. NOLAN. What is it, a pawnbroker's or loan shark's place?

Mr. HORNING. He keeps a saloon.

Mr. NOLAN. Is he interested in any of these pawnbrokers' shops or loan-shark agencies?

Mr. HORNING. No, sir.

Mr. NOLAN. What interest did he have in paying the expenses of these two men?

Mr. HORNING. He and I agreed on that.

Mr. NOLAN. Agreed on what?

Mr. HORNING. That we would stand the expenses of Ryan and Snelling.

Mr. NOLAN. For what?

Mr. HORNING. To go out in the campaign.

Mr. NOLAN. Whom for? Tell us whom for, Mr. Horning.

Mr. HORNING. Simply McGuire and myself.

Mr. NOLAN. You were not running for office, were you? I thought you were a resident of the District of Columbia and could not run for office.

Mr. HORNING. I never had a vote in my life.

Mr. NOLAN. McGuire was not a candidate for office?

Mr. HORNING. Who?

Mr. NOLAN. McGuire.

Mr. HORNING. McGuire?

Mr. NOLAN. Was he running for office?

Mr. HORNING. No, sir.

Mr. NOLAN. Whom were these two men to go out and campaign for?

Mr. HORNING. Wherever they wanted to. We did not expect them to go any place in particular that I know of.

Mr. NOLAN. Were they to go out for the Democrats, or the Republicans, or the Socialists, or the Bull Moosers? Whom were they to go out for?

Mr. HORNING. Any place they wanted to.

Mr. NOLAN. And for anybody they wanted to?

Mr. HORNING. No; they did not go any place. In other words, we did not instruct them, Ryan or Snelling, where to go.

Mr. NOLAN. They were free lances?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Could go any place and for anybody? Is that right?

Mr. HORNING. Yes, sir.

Mr. NOLAN. What object did you have in sending them out campaigning? Let us get a little bit serious. What object did you and McGuire have in sending them out?

Mr. HORNING. We figured that anywhere that Ryan went they would be friendly to us.

Mr. NOLAN. You expected they would go into different districts and help in the campaign, and that whomever they helped might be friendly to your bill?

Mr. HORNING. They did not know any Congressman; I do not know that McGuire and myself had expended any money that way.

Mr. NOLAN. You expected in return to have friendly Congressmen elected to assist you in regard to this bill; is that right?

Mr. HORNING. Did I expect that?

Mr. NOLAN. I say, you expected a friendly feeling from the men that might be elected through their efforts?

Mr. HORNING. Anybody friendly to me, friendly to us——

Mr. NOLAN. Did you specify anybody that might be friendly?

Mr. HORNING. No, sir.

Mr. NOLAN. What interests did McGuire have in it that would make him willing to contribute to pay railroad fares, and one thing and another?

Mr. HORNING. I suppose it was to his interest.

Mr. NOLAN. What interest did he have?

Mr. HORNING. Well, he ran a saloon business.

Mr. NOLAN. Did this pawnshop bill include any provisions touching the saloon men?

Mr. HORNING. No, sir.

Mr. NOLAN. What did McGuire expect to get out of it?

Mr. HORNING. Simply, in my estimation, it was his business judgment; he thought it was a good proposition and accepted it.

Mr. NOLAN. Why did he not accept your judgment and contribute to the Democratic campaign fund? That was a popular thing, to come in with a winner at that time.

Mr. HORNING. I suppose so.

Mr. NOLAN. Do you know whether the saloon keepers were trying to get up a contribution to the Democratic national committee?

Mr. HORNING. I could not answer that. I knew they were getting a campaign fund for something.

Mr. NOLAN. Why did McGuire think it was to his interest, if he was a saloon man? He did not contribute to the other campaign fund. Why did he contribute several hundred dollars to send these men out on the road?

Mr. HORNING. How much?

Mr. NOLAN. You say he contributed a portion of that money?

Mr. HORNING. How is that?

Mr. NOLAN. You say he contributed a portion of that money. How much did he contribute—Mr. McGuire?

Mr. HORNING. Well, I am blank on that; I do not know whether he put in $100 or $200, or how it was.

Mr. NOLAN. What was Mr. McGuire's real object in sending men out campaigning—if the saloon men were raising a campaign fund to contribute, such as you said you contributed to the Democratic fund? What was McGuire's object in collaborating with you in paying these expenses? Tell us what Mr. McGuire's object was.

Mr. HORNING. Mr. McGuire's object was that he wanted people to come back here that would be friendly to his cause, I presume. I do not see what else he would be friendly for.

Mr. NOLAN. Then you linked horns on that pawnbroking bill with some saloon men, expecting to get aid in that direction; is that right?

Mr. HORNING. Not at all.

Mr. NOLAN. Did any other saloon men contribute?

Mr. HORNING. Not to my knowledge.

Mr. NOLAN. And Mr. McGuire was the only man in the saloon business who contributed through you?

Mr. HORNING. That is the only man I received any money from.

Mr. NOLAN. Yes. When you sent those two men out what did you say to them?

Mr. HORNING. I beg your pardon?

Mr. NOLAN. When you and Mr. McGuire sent them out on the road, with their expenses paid, what did you say to them? Whose district did you tell them to go into?

Mr. HORNING. I do not think either one of us told them what districts to go into. We told them to use their own judgment. They had to go out on some other business and we simply thought it was a good proposition.

Mr. NOLAN. They had to go out on some other business?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And you thought you would pay their hotel expenses and their traveling expenses to campaign for whoever they saw fit. Is that right?

Mr. HORNING. Correct.

Mr. NOLAN. Did you do that with anybody else?

Mr. HORNING. No, sir.

Mr. NOLAN. Is there any other—now let us recall that to your mind. How much of that $400 did you pay?

Mr. HORNING. I just answered that I could not tell you that.

Mr. NOLAN. Where did you get that money?

Mr. HORNING. Took it from the note brokers.

Mr. NOLAN. Oh! Then you did pay some money, some debts incurred by Mr. Ryan, from the note brokers' fund?

Mr. HORNING. In that case; yes.

Mr. NOLAN. Oh, yes. You took all the money that you contributed toward the expenses from the note brokers fund?

Mr. HORNING. How is that?

Mr. NOLAN. You took all the money that you contributed toward the expenses from the note brokers' fund?

Mr. HORNING. I did; yes.

Mr. NOLAN. You did not have any conscientious scruples about that, did you?

Mr. HORNING. None whatever. [Laughter.]

Mr. NOLAN. Oh, no. The only time that you had conscientious scruples was in the payment to Mr. Ryan of that $500 you say you got from Mr. Davis. Is that right?

Mr. HORNING. Well, Mr. Ryan did not want any money and he was always very careful that he would not do anything for the loan-shark bill proper. He was instructed to work for the pawnshop bill, the pawnshop end of it only.

Mr. NOLAN. And he would not have taken that $500 if you had taken it from the note brokers' fund?

Mr. HORNING. I do not think he would.

Mr. NOLAN. Did you tell him that you took this other money from the note brokers' fund?

Mr. HORNING. I do not think so.

Mr. NOLAN. Why did you not tell him?

Mr. HORNING. What is that?

Mr. NOLAN. Why did you not tell him about that?

Mr. HORNING. I did not do that.

Mr. NOLAN. We understand that you did not do that; but we are trying to find out why you did not tell Mr. Ryan?

Mr. HORNING. No particular reason for it.

Mr. NOLAN. But why did you not; did you understand that Mr. Ryan would not have accepted it?

Mr. HORNING. I know he would not.

Mr. NOLAN. Well, do you think he would have taken the expense money if he had known where it came from?

Mr. HORNING. No; I do not. That money was given to me to use my own judgment with, to spend it any way that I saw fit. Any way that could help our cause I tried.

Mr. NOLAN. Did Mr. Ryan know that you were interested in the loan-shark end of it?

Mr. HORNING. They all knew that I was a loan broker and pawnbroker. Every man in the city knows that; that I handled both lines.

Mr. NOLAN. Then, in working for you, he must have known, to a certain extent, that he was working for the loan sharks? Did he not?

Mr. HORNING. Sir?

Mr. NOLAN. In working for you he must have known that he was working for the loan sharks, did he not?

Mr. HORNING. No. Mr. Ryan and I and the labor organization never did agree on the loan-shark bill. We never got together on that loan-shark bill proper.

Mr. NOLAN. But, in working for you, and taking your money, he knew that he was working for a loan shark and a note broker, did he not, along with the fact that you were a pawnbroker?

Mr. HORNING. They had instructions to work for the pawnshops only.

Mr. NOLAN. He had instructions to work; when he got those instructions to work, he did not get instructions to take pay for it, did he?

Mr. HORNING. He would not take pay.

Mr. NOLAN. But he did take pay?

Mr. HORNING. No; he objected to taking money. [Laughter.]

Mr. NOLAN. Was he the only man that you found that objected to taking money in all these transactions?

Mr. HORNING. Mr. Ryan would not take it until after I had talked with two of the other members of that committee.

Mr. NOLAN. As a matter of fact, Mr. Horning, did you find anybody in all of your transactions that refused money?

Mr. HORNING. Did I what?

Mr. NOLAN. Did you find anybody that rendered service to you that refused money?

Mr. HORNING. Mr. Ryan was the only one that I know of.

Mr. NOLAN. But he took the money, did he not? But did you find anybody else that refused money? All seemed perfectly willing to take it, as much as they could get; all seemed willing to take it; they would take just as much as they could get; is that right?

Mr. HORNING. Well, that seems about right.

Mr. NOLAN. Then, you did not find any philanthropists in your cause?

Mr. HORNING. Yes.

Mr. NOLAN. Who were they?

Mr. HORNING. Well, there was the Monday Evening Club and the Commissioners. [Laughter.] If I understood the question right, it was, was there anybody in sympathy with our bill; is that it?

Mr. NOLAN. Anybody that rendered services; anybody that rendered you any service?

Mr. HORNING. Well, I was just telling you the Monday Evening Club came up before Congress here, and, I think, had a committee appointed, or was on record so far as the Dyer bill was concerned, that it was never their intention to have the pawnbroker feature in that bill. The Commissioners wrote a letter.

Mr. NOLAN. And you had the police department with you?

Mr. HORNING. Yes, sir; and the Monday Evening Club. [Laughter.]

Mr. NOLAN. I do not see how it cost you so much money. [Laughter.]

Mr. HORNING. Well, we did not make a success of it, after all.

Mr. NOLAN. Can you recollect any other payments that you made, Mr. Horning, to anybody else?

Mr. HORNING. No, sir.

Mr. NOLAN. You are willing to swear that you paid Mr. Ryan $500, Mr. Snelling $250, and met an expense of something like $300 or $400 in hotel bills and traveling expenses of those men out in the campaign; that you did not know anything about where they were going?

Mr. HORNING. Yes, sir; that is right.

Mr. NOLAN. Suppose Mr. Ryan and Mr. Snelling came here and said that you told them to go into some particular Congressman's district; what would you say to that?

Mr. HORNING. I can not say; I can not recall it.

Mr. NOLAN. You said before that you did not tell them where to go.

Mr. HORNING. To the best of my knowledge, I did not. I do not know that Mr. Ryan would say that. I have not the faintest idea that he would.

Mr. NOLAN. I do not know myself that he would; but if Mr. Ryan did say that, what would you say?

Mr. HORNING. If Mr. Ryan said that it would be facts.

Mr. NOLAN. Yes; Mr. Ryan, then, would have a better recollection than you would?

Mr. HORNING. Well, I did not pay any attention to it.

Mr. NOLAN. Do you know whether Mr. McGuire suggested any particular Congressman's district for them to go into?

Mr. HORNING. I could not answer that.

Mr. NOLAN. Have you been in the habit of frequenting Mr. McGuire's saloon up here?

Mr. HORNING. I beg your pardon?

Mr. NOLAN. Have you been in the habit of frequenting Mr. McGuire's place of business up here—his saloon? Do you go in there frequently?

Mr. HORNING. I very seldom go there.

Mr. NOLAN. How did he come to offer to pay a portion of this expense? Did you go to him or did he go to you?

Mr. HORNING. I do not know how that was. I do not know whether he came to me or whether I went to him. It is a very rare thing I was ever in Mr. McGuire's place.

Mr. NOLAN. You are sure, Mr. Horning, that you did not pay any more money to any other labor men?

Mr. HORNING. Absolutely.

Mr. NOLAN. Outside of those two?

Mr. HORNING. No, sir.

Mr. NOLAN. Now, I want to ask you, Mr. Horning, you remember that transaction of that $125 note?

Mr. HORNING. How is that?

Mr. NOLAN. You remember that transaction of the $125 overdraft, on a bank here, at the time that Mr. McMichael came to you and pledged his jewelry for $50?

Mr. HORNING. I do not know whether it was a draft or a check. Mr. McMichael told me it was something, either a draft or a check. I do not know whether it was overdue. I never said that. Mr. McMichael, my recollection is, showed me a special-delivery letter, telling Mr. McMichael to meet that check, or draft, or something to that effect. I do not know what it was.

Mr. NOLAN. And you refused to meet it?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And he pledged with you his jewelry for $50?

Mr. HORNING. That is my recollection, sir.

Mr. NOLAN. Did he make a note and sign a note to you for any money at that time?

Mr. HORNING. I do not know sir.

Mr. NOLAN. How did he raise the $125?

Mr. HORNING. He had $75, so he told me.

Mr. NOLAN. Are you sure that he had $75?

Mr. HORNING. No; I am not sure.

Mr. NOLAN. Are you sure that he did not make out a note to you for $50 and tell you that he had $25 more?

Mr. HORNING. No; I am not sure.

Mr. NOLAN. Well, refresh your memory in regard to that. I have quite a number of other questions to ask you and probably it will refresh your memory. Just think, whether Mr. McMichael made out a note to you for $50 on that occasion.

Mr. HORNING. I can not remember. My recollection was that Mr. McMichael had $75.

Mr, NOLAN. But just think—Mr. McMichael testified that he made out a note; that he $25 in currency; that he pledged his jewelry for $50, and that he gave you his note for $50 more, is that right?

Mr. HORNING. Did he swear to that?

Mr. NOLAN. Yes.

Mr. HORNING. I can not recall it.

Mr. NOLAN. And signed Mr. McDermott's name to it, does that refresh your mind?

Mr. HORNING. He never signed Mr. McDermott's name to anything that I know anything about.

Mr. NOLAN. You do not recollect then, whether he gave you his note for $50? You will not say positively that he did not, will you?

Mr. HORNING. Mr. McMichael?

Mr. NOLAN. Yes.

Mr. HORNING. I can not recall it.

Mr. NOLAN. Did you ever see that overdraft of $125?

Mr. HORNING. No, sir.

Mr. NOLAN. Did you ever get anything from the bank, or did Mr. McMichael ever bring you anything, to show you that there was such an overdraft?

Mr. HORNING. No, sir.

Mr. NOLAN. What would you say to Mr. McMichael's testimony that he did?

Mr. HORNING. I certainly can not remember it if he did, sir.

Mr. NOLAN. Would you say positively that he did not?

Mr. HORNING. I would say positively that to the best of my knowledge he never showed it to me. I do not think that Mr. McMichael would swear that he showed it to me. I do not think he would do that because——

Mr. NOLAN (interposing). Well, suppose the testimony here will show that Mr. McMichael said he took that to you and demanded that, and as far as he knew you still retained that $125 note?

Mr. HORNING. I can not recall it.

Mr. NOLAN. Would you say that he did not do that?

Mr. HORNING. No; if he has done that, and swears to that, why, I would not say otherwise, but I can not recall it at all, sir.

Mr. NOLAN. Do you not remember that $125 note or whether you ever received it?

Mr. HORNING. All I remember is one occasion—I have a faint recollection of that—Mr. McMichael came and told me about a special-delivery letter.

Mr. NOLAN. Yes.

Mr. HORNING. Or a telegram, I do not know whether it was a telegram—about an overdraft or check or something for Mr. McMichael to look after, and I would not have anything to do with it.

Mr. NOLAN. You are sure you have not got that note for $125?

Mr. HORNING. I beg your pardon.

Mr. NOLAN. Are you sure you have not got that note for $125, or that draft?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You are sure you have not got that in your possession?

Mr. HORNING. I have not seen it, to my knowledge.

Mr. NOLAN. Now, Mr. Horning, you testified here that you loaned Congressman James T. McDermott $1,085, or that he was indebted to you for $1,085; is that right?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did you keep an account of that?

Mr. HORNING. No, sir.
Mr. NOLAN. How did you keep the figures on that?
Mr. HORNING. I beg your pardon.
Mr. NOLAN. How did you keep the figures on that?
Mr. HORNING. Well, it was out of my personal money.
Mr. NOLAN. I know; but did you put it down on a piece of paper or a book or something like that?
Mr. HORNING. No, sir.
Mr. NOLAN. And you memory is clear on that $1,085; how long a period did it take for that amount of money to accumulate?
Mr. HORNING. I can not recall that. The $85 there were reasons.
Mr. NOLAN. How was that money loaned?
Mr. HORNING. In cash.
Mr. NOLAN. How recent was that $85 transaction?
Mr. HORNING. That was not a loan.
Mr. NOLAN. What was it?
Mr. HORNING. Do I have to answer that?
Mr. NOLAN. Yes; at least I think you ought to answer it.
Mr. HORNING. Well, I would not like to answer that unless it was necessary. It was not a loan; I do not think I ought to answer that in public. It does not concern this bill at all. If I have got to answer it, all right. It does not concern this investigation at all.
Mr. EASBY-SMITH. Mr. Horning, we have no objections to your speaking of that. Just state what it was. Mr. McDermott has no objection to your stating what it was. He wants all the facts to come out. You may state what that was.
Mr. NOLAN. Mr. Easby-Smith says that Mr. McDermott is satisfied for you to answer the question.
Mr. HORNING. That is all right, then, I have no objection.
Mr. NOLAN. Then will you answer it?
Mr. HORNING. That was a balance on a ring.
Mr. NOLAN. What was the other $1,000; how recent was that transaction?
Mr. HORNING. Well, that is past 18 months.
Mr. NOLAN. I mean that $85 transaction; how long ago was that?
Mr. HORNING. December 24.
Mr. NOLAN. Of last year?
Mr. HORNING. Yes, sir. I would not like that to go in the records, though; I do not think it is proper that it should go in there.
Mr. NOLAN. The committee will judge of that.
Mr. HORNING. The only reason that I ask that that should not go in, is because it does not concern this at all.
Mr. NOLAN. Well, there is not any secrecy attached to your business, is there?
Mr. HORNING. Oh, yes. More so than you imagine.
Mr. NOLAN. I understand, since this investigation began, there is a great deal of secrecy about it. But I do not think there should be. I think all of your transactions should be open and above-board; but as we probe into this matter we find a lot of your transactions have been covered up.
Mr. HORNING. I do not think so.
Mr. NOLAN. Well, we have got to drag it out of you with a fine-tooth comb. Now, that $1,000, how was that borrowed?

Mr. HORNING. That was at different times.

Mr. NOLAN. Did Mr. McDermott borrow any other money during his long acquaintanceship?

Mr. HORNING. Of that $1,000?

Mr. NOLAN. No. Did he borrow any other money outside of that $1,000?

Mr. HORNING. No, sir. He borrowed others and paid it back.

Mr. NOLAN. Yes; how is that you kept this separate and apart from any other money that he borrowed?

Mr. HORNING. Well, that is money that I had in my pocket. It did not belong to the business at all.

Mr. NOLAN. This was personal money.

Mr. HORNING. Not in the business at all.

Mr. NOLAN. Is there anybody else connected with your business with you?

Mr. HORNING. No, sir.

Mr. NOLAN. Then it is taking money out of one pocket and putting it into the other—business or personal, or otherwise; is that right?

Mr. HORNING. No; I carry money in my pocket at all times. Probably right at this minute I have $600 or $700 in my pocket.

Mr. NOLAN. You do not know whether you have or not? Is that it? [Laughter.]

Mr. HORNING. I have got between $600 and $700.

Mr. NOLAN. All right; let us go back to this. This $1,000, that was loaned out of your personal money?

Mr. HORNING. Yes, sir.

Mr. NOLAN. On the business end of it, did you keep any accounts there of money loaned to Congressman McDermott and repaid by him to you?

Mr. HORNING. No.

Mr. NOLAN. Well, what is the difference between this transaction that you say you kept no book account of, and made no memoranda of, and your business transactions where you used the same methods?

Mr. HORNING. Well, Mr. McDermott—I never taken that as business propositions at all. If he wanted a few hundred dollars he would get it and pay it back.

Mr. NOLAN. Do you not consider this $1,000 loan a business transaction?

Mr. HORNING. Oh, I never charged him anything on that.

Mr. NOLAN. Did you charge him interest on the other transactions?

Mr. HORNING. I charged him no interest.

Mr. NOLAN. You never charged him anything?

Mr. HORNING. No, sir.

Mr. NOLAN. So there is not any difference between this $1,000 transaction and the other transaction? He paid you no interest?

Mr. HORNING. None whatever.

Mr. NOLAN. So that they are all alike?

Mr. HORNING. Yes, sir.

Mr. NOLAN. How did you keep this $1,000 transaction in your head—the figures of $1,000 outside of that $85 transaction. Leave that out of it. How did you keep that so well in your mind, if this money was borrowed at different times?

Mr. HORNING. Well, if Mr. McDermott came in and said he wanted two or three hundred dollars until pay day, I just handed it to him;

I gave it to him out of my pocket. It did not go into the business transactions at all.

Mr. NOLAN. Is this a balance of some money that was owed to you? Was there a greater amount than $1,000 owed to you by Mr. McDermott?

Mr. HORNING. No; I don't think so.

Mr. NOLAN. One thousand dollars is the highest amount he owed at any one time?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You kept track of this, exclusive of other transactions; is that right?

Mr. HORNING. Well, Mr. McDermott never had any transactions in the regular line of business.

Mr. NOLAN. How did you keep this so well in your mind—$1,000?

Mr. HORNING. Well, because it came out of my pocket, not out of the cash drawer.

Mr. NOLAN. Did you ever give him any money out of the cash drawer?

Mr. HORNING. No; all out of my pocket.

Mr. NOLAN. All out of your pocket. So that all of your transactions with Mr. McDermott were of a personal, instead of a business, nature; is that right?

Mr. HORNING. That is right.

Mr. NOLAN. And you have kept track of this $1,000 that he owed you?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And you can not keep track of the two and three hundred dollar transactions at one certain time, but you can keep track of the number of transactions that amounted to $1,000 in the case of Mr. McDermott; is that right?

Mr. HORNING. That is not right. You do not understand the difference between Mr. McDermott and other transactions.

Mr. NOLAN. I am trying to find out.

Mr. HORNING. If I have got, now, six or seven hundred dollars in my pocket, I do not turn that in to the business at all, and you may ask me for a loan of $200——

Mr. NOLAN. Don't try me on that. [Laughter.]

Mr. HORNING. Well, I might take you up on that—you ask me for a loan of $200 and I give you that $200 out of my pocket——

Mr. NOLAN. I believe you are a pretty good fellow in regard to that, from what you have told us in this evidence.

Mr. HORNING (continuing). And you take it and don't pay it back. That is how it was.

Mr. NOLAN. And you have a vivid account of those transactions in your mind, and have kept all those transactions in your mind, until Mr. McDermott owes you $1,000?

Mr. HORNING. Yes, sir; $1,080 or $1,085.

Mr. NOLAN. The $85, you say, is a business transaction?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You mentioned a Mr. Bennett here to-day. Who is Mr. Bennett?

Mr. HORNING. What is that?

Mr. NOLAN. Mr. Bennett. You mentioned a man by the name of Bennett in connection with this firm. Who is he?

Mr. HORNING. That is one of the men that he asked me about; De Graff, or something like that.

Mr. NOLAN. De Graff or "the graft"? [Laughter.]

Mr. HORNING. I think it is De Graff.

Mr. NOLAN. Not "the graft"?

Mr. HORNING. No; De Graff.

Mr. NOLAN. Is Mr. Bennett connected with the De Graff Co.?

Mr. HORNING. I don't know how it is. I know that they are advertising in the newspapers "De Graff & Co." and they are signed on the door "De Graff & Co.," and also R. M. Bennett, or whatever his initials may be, on the door.

Mr. NOLAN. Do you know Mr. Bennett personally?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Did you get any money from him?

Mr. HORNING. I tried, but could not; I got nothing.

Mr. NOLAN. He would not give it?

Mr. HORNING. No.

Mr. NOLAN. You are sure of that?

Mr. HORNING. Oh, sure of it.

Mr. NOLAN. You mentioned Mr. Watson in connection with Mr. Wall. The Watson and Wall ring, I believe you termed it.

Mr. HORNING. One is Watts, and the other is Wall.

Mr. NOLAN. Oh, Watts and Wall?

Mr. HORNING. Yes, sir.

Mr. NOLAN. There is not any Watson you know of?

Mr. HORNING. I did not say that—Watts—W-a-t-t-s.

Mr. NOLAN. I misunderstood you. Did Burnstine and Heidenheimer know anything about this?

Mr. HORNING. Beg pardon?

Mr. NOLAN. Did Burnstine and Heidenheimer know anything about this loan-shark fund?

Mr. HORNING. No, sir. No, sir; they knew nothing about it.

Mr. NOLAN. They knew nothing at all about the $8,000?

Mr. HORNING. They was not interested in it.

Mr. NOLAN. Did they know about it? Did you ever tell them about it?

Mr. HORNING. No; I told them I got money from the other boys.

Mr. NOLAN. Oh, you told them you got money from the other boys?

Mr. HORNING. I never told them how much, or anything of that kind.

Mr. NOLAN. But you are sure you told them you got money from some other sources to help out in this bill?

Mr. HORNING. Oh, I feel quite sure I did.

Mr. NOLAN. You told also to-day of Mr. John McDermott's New York address. When did you first learn Mr. John McDermott was living in New York?

Mr. HORNING. When did I first meet Mr. John McDermott?

Mr. NOLAN. When did you first learn of his address in the Board of Trade Building?

Mr. HORNING. I don't know; I can't recall that.

Mr. NOLAN. When was the first time you went to his office in the Board of Trade Building, knowing his address?

Mr. HORNING. When was I first introduced to Mr. John McDermott?

Mr. NOLAN. When did you first go to New York; to his office?

Mr. HORNING. I can not recall that.

Mr. NOLAN. Who first introduced you to Mr. John McDermott?

Mr. HORNING. Representative McDermott.

Mr. NOLAN. How long ago?

Mr. HORNING. I don't know whether it was three or four years ago or longer; I don't know.

Mr. NOLAN. And Congressman McDermott first introduced you to John McDermott?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Are you sure that you had a talk with Mr. Burnstine in relation to Mr. Davis's fee?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You are absolutely certain of that?

Mr. HORNING. I feel as if—they knew what his fee was.

Mr. NOLAN. Oh, they did?

Mr. HORNING. Yes, sir.

Mr. NOLAN. Can you give any reason why Mr. Burnstine should testify he did not know anything about it?

Mr. HORNING. No; I didn't go into details about it. I told them what Mr. Davis's fee was going to be. They all thought his fee was too high.

Mr. NOLAN. Then he was in error if he testified he did not know anything about it or you did not tell him anything about it; is that right?

Mr. HORNING. Yes, sir. That is exactly the reason I took the receipt from Mr. Davis, because they thought his fee was too high.

Mr. NOLAN. I believe that is all.

Mr. RUSSELL. I will be very brief, but I want to ask you three or four questions.

What connection did Mr. Ryan have with this labor organization? What is his position?

Mr. HORNING. Well, he was chairman of the legislative committee.

Mr. RUSSELL. Then he was sort of a representative here about Congress—a lobbyist, as we call them—representing them here?

Mr. HORNING. Well, he was a member of that organization, and I suppose——

Mr. RUSSELL. The legislative representative?

Mr. HORNING. Attended to its legal affairs.

Mr. RUSSELL. What connection did Snelling have with the labor organization?

Mr. HORNING. I don't know what his position was.

Mr. RUSSELL. He was connected with them, was he?

Mr. HORNING. Sir?

Mr. RUSSELL. He was connected with the labor organization?

Mr. HORNING. Yes, sir.

Mr. RUSSELL. And you paid Ryan $500 for his services?

Mr. HORNING. Sir?

Mr. RUSSELL. You paid Ryan $500?

Mr. HORNING. I didn't say that. $250; not $500.

Mr. RUSSELL. Ryan?

Mr. HORNING. Sir?
Mr. RUSSELL. I understood you said you paid him $500.
Mr. HORNING. Who?
Mr. RUSSELL. Mr. Ryan.
Mr. HORNING. Mr. Ryan; yes, sir.
Mr. RUSSELL. And you paid Snelling $250?
Mr. HORNING. That is right, sir.
Mr. RUSSELL. Then you paid the two about $200 for campaign expenses—traveling?
Mr. HORNING. I said the campaign expenses were between $300 and $400; that is my recollection.
Mr. RUSSELL. You paid about half of them, you said, didn't you?
Mr. HORNING. I didn't say. I don't know whether I paid one or two hundred; I don't know.
Mr. RUSSELL. But you paid one or two hundred?
Mr. HORNING. Yes, sir.
Mr. RUSSELL. The $500 that you paid was part of the fee that was to have gone to Mr. Davis?
Mr. HORNING. Give me that again, please.
Mr. RUSSELL. The $500 that you paid Ryan was a part of the fee that was to have gone to Mr. Davis?
Mr. HORNING. That is right; yes, sir.
Mr. RUSSELL. When did Mr. Ryan first begin to work for you on the pawnbrokers' bill?
Mr. HORNING. I am sorry, I did not get that, sir.
Mr. RUSSELL. When did Mr. Ryan begin to work for you on the pawnbrokers' bill?
Mr. HORNING. When did Mr. Ryan do what?
Mr. RUSSELL. Begin to work for you on that bill?
Mr. HORNING. I never considered Mr. Ryan having worked for me. I considered he worked for the labor organization, but I felt, as he had wasted his time and business, and so forth, he was entitled to some compensation.
Mr. RUSSELL. He worked for that pawnbrokers' bill, didn't he?
Mr. HORNING. Yes, sir.
Mr. RUSSELL. When did he begin to do that?
Mr. HORNING. I don't know.
Mr. RUSSELL. When did you first tell him you wanted to pay him $500?
Mr. HORNING. I can not recall that.
Mr. RUSSELL. How long was it before the bill was passed?
Mr. HORNING. I don't know when that conversation took place.
Mr. RUSSELL. You know that it was before the bill was passed that it took place?
Mr. HORNING. I don't get that.
Mr. RUSSELL. You do know it was before the bill was passed and became a law?
Mr. HORNING. I know it was before it passed; sure.
Mr. RUSSELL. You know before it was passed you told him you wanted to give him $500?
Mr. HORNING. Yes, sir.
Mr. RUSSELL. Then, after the payment to him of the $500, when did you tell Mr. Davis you were going to take it out of his $2,000?

Mr. HORNING. I never told Mr. Davis I was going to take it out of his $2,000.

Mr. RUSSELL. You did take it out, didn't you?

Mr. HORNING. I didn't take it out.

Mr. RUSSELL. How did you get it out?

Mr. HORNING. Mr. Davis told me instead of my paying it out of my personal money he wanted to pay it out of that money.

Mr. RUSSELL. Did he pay it?

Mr. HORNING. He gave it to me; he gave me the money.

Mr. RUSSELL. He gave you back $500?

Mr. HORNING. To pay Mr. Ryan; yes.

Mr. RUSSELL. He gave you back $500 of that $2,000?

Mr. HORNING. That is not my recollection, sir.

Mr. RUSSELL. Why did you give Mr. Davis $2,000, if you knew you were going to get back $500?

Mr. HORNING. Because his fee was $2,000.

Mr. RUSSELL. And so you had to give him $2,000?

Mr. HORNING. Mr. Davis had no understanding at the time of contracting that fee that anybody else was to get any of the fee. He had no idea then.

Mr. RUSSELL. But you did. You knew you were going to pay that $500 to Ryan.

Mr. HORNING. I know, but that was incidentally; I had no prearangement whatever.

Mr. RUSSELL. You said before the bill passed you told Ryan you were going to give him $500. Now, it was long after the bill passed that you paid Mr. Davis.

Mr. HORNING. Yes, sir.

Mr. RUSSELL. So you knew when you paid Mr. Davis $2,000 that you were going to take back $500 for Mr. Ryan?

Mr HORNING. No, sir; I didn't know anything of the kind.

Mr. RUSSELL. When did you first find it out?

Mr. HORNING. When did I first find it out?

Mr. RUSSELL. Yes; that you were going to take back $500 and give it to Ryan?

Mr. HORNING. I should say the day of the settlement with Mr. Davis.

Mr. RUSSELL. That would be your recollection.

Mr. HORNING. That would be my recollection of it.

Mr. RUSSELL. Now, I would like you to tell the committee when you determined on the day of the settlement that you would have to take back $500 out of the $2,000, why you gave him $2,000? Why didn't you give him $1,500?

Mr. HORNING. No; that is not right. I am trying to explain to you. There was no understanding between Mr. Davis and myself at the time he told me what his fee was. Mr. Ryan was to receive no portion of that; there was no understanding of that kind.

Mr. RUSSELL. You say you did determine the very day of the settlement with Mr. Davis, that you were going to take back $500 out of his fee for Mr. Ryan.

Mr. HORNING. No, sir; I didn't tell him that.

Mr. RUSSELL. You say you determined on that day that you were going to do it.

Mr. HORNING. No, sir; I mentioned to Mr. Davis I would have to pay that money myself, that they would not allow any more expenses.

Mr. RUSSELL. You mentioned that at the time you paid him?

Mr. HORNING. I think so.

Mr. RUSSELL. Now, I would like to know if he agreed at that time you might take the $500 out of his fee?

Mr. HORNING. He agreed to it; yes, sir.

Mr. RUSSELL. And you paid it?

Mr. HORNING. No; he suggested that I take a portion of his fee and give it to Ryan in preference to my paying it myself.

Mr. RUSSELL. And you agreed to do it?

Mr. HORNING. I accepted it; yes, sir.

Mr. RUSSELL. Now, then, with that understanding, I would like you to tell this committee why you paid to him $2,000, when he said you should take $500 out of his fee and pay it to Ryan, and you determined you would do that? Why did you give him $2,000 and then say to Mr. Davis, "Give me back $500 of it"?

Mr. HORNING. When the $2,000 was entered into, Mr. Davis had no idea of anything concerning Ryan, or otherwise, when he told me the bill was $2,000.

Mr. RUSSELL. I understand, but you have plainly said that on the day you and Mr. Davis made this settlement he said he would pay $500 to Ryan out of his fee.

Mr. HORNING. In preference to my paying it out of my own pocket.

Mr. RUSSELL. And he did do that the same day, didn't he?

Mr. HORNING. That is my recollection.

Mr. RUSSELL. Now, then, you went through the ridiculous performance of paying him $2,000 and getting his receipt for $2,000, and then Mr. Davis immediately gave you back $500 of it. That is right, isn't it?

Mr. HORNING. He told me he would give Ryan $500 of his fee.

Mr. RUSSELL. And Mr. Davis gave it right back to you? You gave him $2,000, and then he gave you back $500?

Mr. HORNING. He told me to give Ryan $500.

Mr. RUSSELL. You have never paid Ryan all that money yet, have you?

Mr. HORNING. I offered it to him.

Mr. RUSSELL. You have not paid it?

Mr. HORNING. I beg pardon?

Mr. RUSSELL. You offered it to him, but have not paid it?

Mr. HORNING. He did not accept it all. He did not want it all at one time.

Mr. RUSSELL. Mr. Davis paid it to you at the same time. So I say, you went through the ridiculous performance there of paying him $2,000 and taking a receipt for $2,000, and then immediately after Mr. Davis gave the receipt he gave you back $500 of it?

Mr. HORNING. For Mr. Ryan.

Mr. RUSSELL. Mr. Davis only got $1,500 on that day?

Mr. HORNING. He did not give me any $500.

Mr. RUSSELL. He gave you back $500 for Mr. Ryan the same day.

Mr. HORNING. I don't recall whether it was the same day—the first time Mr. Davis and I talked about it.

Mr. RUSSELL. You talked about it when you paid him. You have already stated that was one transaction.

Mr. HORNING. Yes, sir.
Mr. RUSSELL. Did you pay that $2,000 in cash?
Mr. HORNING. Yes, sir.
Mr. RUSSELL. Then did Mr. Davis give you back $500 in cash?
Mr. HORNING. I would not think he did. Mr. Davis did not get that $2,000 at one time.
Mr. RUSSELL. He got $1,500 of it at the time he gave you that receipt, didn't he; or $1,500 on that day?
Mr. HORNING. Yes, sir.
Mr. RUSSELL. And then he gave you back $500?
Mr. HORNING. That would leave $1,000, then.
Mr. RUSSELL. Did you give him the $1,500 in cash?
Mr. HORNING. I would not swear whether I gave him the $1,500 in cash, and he gave me back the $500, or whether I talked to him at this time or a day or two previous to that, and Mr. Davis said he was willing Ryan should have the $500—I don't know that.
Mr. RUSSELL. And you just gave him a thousand?
Mr. HORNING. No; I didn't say that.
Mr. RUSSELL. You say you may have done that?
Mr. HORNING. I don't remember whether I gave him $1,500 and he gave me $500 at that time or not. Mr. Davis can probably explain that.
Mr. RUSSELL. And you do not remember but what you gave him the $1,000 and just withheld the $500?
Mr. HORNING. My recollection is I gave him $1,500. I am not positive.
Mr. RUSSELL. And your recollection is he turned around and gave you $500 back. Now, if that is true, on that day Davis only got $1,000, and all told he only got $1,500?
Mr. HORNING. If you term it that way.
Mr. RUSSELL. That being true, this receipt he gave to you for $2,000, which you and Mr. Davis have flourished here, and put in the record here, is false on its face, is it not?
Mr. HORNING. No, sir.
Mr. RUSSELL. He did not get $2,000?
Mr. HORNING. Yes, sir; he got $2,000.
Mr. RUSSELL. He gave you back $500 in a minute?
Mr. HORNING. He did not give me $500.
Mr. RUSSELL. You say Mr. Ryan has not got it yet?
Mr. HORNING. Sir.
Mr. RUSSELL. You say Mr. Ryan has not got it yet? You say Mr. Ryan only got part of it?
Mr. HORNING. Mr. Ryan got it; I didn't get it.
Mr. RUSSELL. You say Mr. Ryan has not got all that money, Mr. Horning?
Mr. HORNING. I see you don't understand it.
Mr. RUSSELL. I am not certain you do.
Mr. HORNING. The $500, Mr. Ryan said he did not want it at one time, and he would rather that when he wanted $25 or $50 he would come and get it, and he left the money in the office.
Mr. RUSSELL. In your office?
Mr. HORNING. Yes, sir; and when Mr. Ryan wants any of that money he simply comes down and gets it.

Mr. RUSSELL. Mr. Davis gave that $500 to you?

Mr. HORNING. No; he did not give it to me; he gave it to Mr. Ryan.

Mr. RUSSELL. Mr. Ryan has it then, has he?

Mr. HORNING. Mr. Ryan got the money.

Mr. RUSSELL. You mean to say that Mr. Davis did not hand that money back to you to give to Mr. Ryan?

Mr. HORNING. Oh, you think Mr. Davis was making me a present of $500?

Mr. RUSSELL. Oh, no; I mean you are the man that got it for Mr. Ryan?

Mr. HORNING. Yes, sir; I got the $500 for Mr. Ryan.

Mr. RUSSELL. Now, I wish you would tell why—you certainly know whether it is true or not—why you gave him the $1,500 that day and he gave you back $500, or did you give him a thousand?

Mr. HORNING. My recollection is I gave him $1,500, and after going into the Ryan matter he said, "Ryan ought to have $500," and then he gave me the $500 back to give to Mr. Ryan.

Mr. RUSSELL. You counted out $1,500?

Mr. HORNING. That is my recollection.

Mr. RUSSELL. And he counted out $500?

Mr. HORNING. Yes.

Mr. RUSSELL. And he gave you a receipt for $2,000?

Mr. HORNING. He did give me the receipt.

Mr. RUSSELL. You mean he gave you this $2,000 receipt before you paid him?

Mr. HORNING. No, sir; he did not.

Mr. RUSSELL. I understood you to say he gave you the receipt before you gave him the money.

Mr. HORNING. No, sir; he got the money before.

Mr. RUSSELL. Then when he gave you that receipt he had then in his hands $1,000 that day and $500 before?

Mr. HORNING. No, sir; I don't think so; I think it was $1,500 that day.

Mr. RUSSELL. How long after he gave you the receipt was it before he counted you back the $500?

Mr. HORNING. How?

Mr. RUSSELL. How long was it after he gave you the receipt before he counted you back the $500?

Mr. HORNING. I can not recall.

Mr. RUSSELL. That was all one transaction, wasn't it?

Mr. HORNING. Yes, sir; all one transaction.

Mr. RUSSELL. Why didn't you have him tear up that receipt and write another one that told the truth?

Mr. HORNING. Tear up what receipt?

Mr. RUSSELL. That $2,000 receipt, and let him give you a receipt for $1,500?

Mr. HORNING. No; Mr. Davis got $2,000.

Mr. RUSSELL. He immediately gave you back $500?

Mr. HORNING. He gave Mr. Ryan $500; he didn't give me $500.

Mr. RUSSELL. The fact of the matter is, as it stands to-day and according to your testimony, Mr. Davis has only received and now has $1,500 of this fund? Is not that right?

Mr. HORNING. That is all—if he counts the $500 that he gave Mr. Ryan that would make Mr. Davis receive $1,500, because he got the $2,000 and gave Mr. Ryan the $500.

Mr. RUSSELL. All right; we are agreed on that, that Mr. Davis to-day, by your testimony, has only got in his hands $1,500 of this fund?

Mr. HORNING. No; he got $2,000.

Mr. RUSSELL. I say, he has not got it now, has he?

Mr. HORNING. Not now; no, sir.

Mr. RUSSELL. To-day he has only $1,500. You and I will get along pretty well if you will just listen and answer. To-day Mr. Davis has only $1,500 of that fund?

Mr. HORNING. Yes.

Mr. RUSSELL. And yet you have been here all day to-day, with this receipt flourished around this table before this committee, showing that he got $2,000.

Mr. HORNING. He did get $2,000.

Mr. RUSSELL. But he has not got it now; he gave it back.

Mr. HORNING. Gave what back?

Mr. RUSSELL. $500. Don't you see that that receipt is to-day false on its face?

Mr. HORNING. No, sir.

Mr. RUSSELL. Why didn't you take that up and let Mr. Davis give you a receipt for $1,500?

Mr. HORNING. Because Mr. Davis received $2,000.

Mr. RUSSELL. But $500 of it has never done Mr. Davis very much good.

Mr. HORNING. He could have given that to anyone else he saw fit. That would not make any difference in my estimation.

Mr. RUSSELL. If he would give you the whole $2,000 he would give you a receipt for it?

Mr. HORNING. Well, Mr. Davis got the whole $2,000.

Mr. RUSSELL. But he has not got it now?

Mr. HORNING. I don't know what he has got now.

Mr. RUSSELL. But you know there is $500 he gave back to you at the very moment he gave you that receipt?

Mr. HORNING. For Mr. Ryan.

Mr. RUSSELL. Well, that is all I care about. [Laughter.]

The CHAIRMAN. Mr. Horning, how many detectives did you employ?

Mr. HORNING. Detectives?

The CHAIRMAN. Yes.

Mr. HORNING. I never employed any detectives.

The CHAIRMAN. Did Mr. Davis employ any for you?

Mr. HORNING. No, sir.

The CHAIRMAN. Who did?

Mr. HORNING. I never had any detectives.

The CHAIRMAN. You did not, but who did?

Mr. HORNING. I beg pardon.

The CHAIRMAN. Who did?

Mr. HORNING. No one that I know of.

The CHAIRMAN. Who did employ them?

Mr. HORNING. Detectives?

The CHAIRMAN. Yes.

Mr. HORNING. I never knew there were any detectives employed, sir.

The CHAIRMAN. You knew nothing of that?

Mr. HORNING. No, sir.

The CHAIRMAN. You did not, for the pawnbrokers, employ any detectives?

Mr. HORNING. No, sir.

The CHAIRMAN. And you did not for the other people, the chattel-mortgage people, employ any detectives?

Mr. HORNING. I did not see where there would be any use for detectives.

The CHAIRMAN. I say, did you ever employ any?

Mr. HORNING. No, sir.

The CHAIRMAN. Do you know anybody that did, connected with this matter?

Mr. HORNING. No, sir.

The CHAIRMAN. You do not?

Mr. HORNING. No, sir.

The CHAIRMAN. You do not know of any detectives being employed?

Mr. HORNING. No, sir.

The CHAIRMAN. Did you ever hear of any being employed?

Mr. HORNING. No, sir.

The CHAIRMAN. Did you ever hear of detectives following Representative Johnson, of Kentucky?

Mr. HORNING. Never in my life, sir.

The CHAIRMAN. You do not know anything on earth about that?

Mr. HORNING. Oh, my, no. No, sir; I never heard anything like that, sir; never in my life, sir. I don't think Mr. Johnson would ever for a moment think I ever tried anything like that. I would take Mr. Johnson's word for it.

The CHAIRMAN. I do not know what Mr. Johnson would think about it, and it is not material, but what I am seeking to get at is whether you know of any being employed?

Mr. HORNING. I say, no.

The CHAIRMAN. You do not?

Mr. HORNING. No.

The CHAIRMAN. You do not know a thing about that?

Mr. HORNING. I think Mr. Johnson——

The CHAIRMAN. That does not matter. You never heard of it?

Mr. HORNING. No, sir.

The CHAIRMAN. You never heard of anybody being employed as a detective?

Mr. HORNING. No, sir; I have not, sir.

The CHAIRMAN. At any time during the pendency of this legislation?

Mr. HORNING. The only thing I ever heard in my life on that was once there was something in the newspaper, when there was a fire in Mr. Johnson's room, and the newspaper intimated that Mr. Johnson was being followed, and those are the two times I ever heard anything like that.

The CHAIRMAN. The only time?

Mr. HORNING. Once in the newspapers, and your suggestion of it.

The CHAIRMAN. You never heard any intimation of it except then?

Mr. HORNING. No, sir; I have not. I am awfully sorry you asked that. I do not believe Mr. Johnson would believe anything of the kind. It is insinuating I did something like that.

The CHAIRMAN. If it is not a fact, there is no harm done.

Mr. HORNING. I tell you I would leave it to Mr. Johnson if he would think I would stoop to do anything like that.

The CHAIRMAN. I am just asking you for information.

Mr. HORNING. I am glad to answer you anything you want to know, sir.

The CHAIRMAN. And you never heard of any detective or anybody, whether a detective or not, being employed in connection with this legislation?

Mr. HORNING. Oh, absolutely no; no, sir.

The CHAIRMAN. All right.

Mr. STAFFORD. I wish to get a little clearer idea as to what you did with these various checks that you received from Mr. Heidenheimer; whether you went to the bank and had them cashed and took the cash and put that into your strong box or whether you deposited them, or some of them, in your current accounts.

Mr. HORNING. I do not understand, sir.

Mr. STAFFORD. In these various checks that you received from Mr. Heidenheimer, did you in each case have them cashed and take the cash and put the money in the strong box?

Mr. HORNING. I always had them cashed; yes, sir.

Mr. STAFFORD. And took the money from the bank and put it in the strong box?

Mr. HORNING. Yes; I would say yes.

Mr. STAFFORD. In regard to this check of $1,000, dated July 5, 1912, drawn on the National Metropolitan Bank, do you remember where you presented that check to be cashed?

Mr. HORNING. Do I remember where I presented it?

Mr. STAFFORD. Yes.

Mr. HORNING. In the usual course of business I would suggest, sir.

Mr. STAFFORD. Which bank?

Mr. HORNING. I could not tell. Wouldn't the check show that?

Mr. STAFFORD. I am asking you.

Mr. HORNING. I have no idea what bank I put it in.

Mr. STAFFORD. Did you do business with that bank?

Mr. HORNING. I have no idea what bank I put it in for collection; what bank I cashed it at.

Mr. STAFFORD. At the time you presented it to the bank, though, you got the $1,000?

Mr. HORNING. Yes.

Mr. STAFFORD. And took it with you and put it in the strong box?

Mr. HORNING. I might not have done it the very moment or anything of that kind. You know, when checks are cashed the manager usually cashes them. I just sign them and they go to the bank. I don't go to the bank every time I want a check cashed.

Mr. STAFFORD. You would not take these checks to the banks for cashing. You would have one of your employees do it? Do I understand you?

Mr. HORNING. I don't know that I have ever had any special check cashed at all. I just indorse it and tell them to bring back the money.

Mr. STAFFORD. Then some employee of yours would bring you back the money they received on these various checks?

Mr. HORNING. I never went myself, personally.

Mr. STAFFORD. I understand. Now, there is another matter I wish to question you about. How many meetings of the note brokers took place here in Washington concerning this Dyer bill, or any other bill, since the spring of 1911?

Mr. HORNING. I could not say that. I don't know, but I should imagine anything between three, four, five, and six. I don't know.

Mr. STAFFORD. When was the last meeting held?

Mr. HORNING. Right after the passage of this bill.

Mr. STAFFORD. That was the last meeting?

Mr. HORNING. Yes.

Mr. STAFFORD. Who attended that meeting?

Mr. HORNING. I can not recall.

Mr. STAFFORD. Where was the meeting held?

Mr. HORNING. I think it was held in Mr. Masters' office.

Mr. STAFFORD. Were you present at that?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. How many were there?

Mr. HORNING. I would not like to say.

Mr. STAFFORD. Try to refresh your recollection.

Mr. HORNING. I don't know; probably anything from 6 to 10. Mr. Burnstine was there for one, I know.

Mr. STAFFORD. Was Mr. Kase there?

Mr. HORNING. Mr. Kase—I think he was there.

Mr. STAFFORD. Was Mr. Masters there?

Mr. HORNING. I won't say about Mr. Kase; I don't know whether Mr. Kase was there or was not there. Mr. Masters was there.

Mr. STAFFORD. Was Mr. Bishop there?

Mr. HORNING. I am not positive on that.

Mr. STAFFORD. Was Mr. Watt there?

Mr. HORNING. Who?

Mr. STAFFORD. Mr. Watt or his representative?

Mr. HORNING. Oh, he was there himself.

Mr. STAFFORD. Was Mr. Wall there or his representative?

Mr. HORNING. I think Mr. Wall was present.

Mr. STAFFORD. Is Mr. Burnstine a note broker as well as a pawnbroker?

Mr. HORNING. No, sir; he is a pawnbroker.

Mr. STAFFORD. And he attended this meeting?

Mr. HORNING. I think he was in there a few minutes.

Mr. STAFFORD. What was considered at that meeting?

Mr. HORNING. It was considered there of declaring this law unconstitutional.

Mr. STAFFORD. The question was taken up as to whom you would employ?

Mr. HORNING. Yes, sir. Some wanted Mr. Davis, and some wanted Mr. Tucker, and they were divided on that.

Mr. STAFFORD. What agreement did you come to?

Mr. HORNING. I beg pardon.

Mr. STAFFORD. What agreement did you come to as to the employment of attorneys?

Mr. HORNING. To test this case?

Mr. STAFFORD. Yes; I am speaking of this meeting that night, the last meeting these note brokers had at which you were present at Mr. Masters's office.

Mr. HORNING. In regard to attorneys to be employed?

Mr. STAFFORD. Yes.

Mr. HORNING. To fight this case?

Mr. STAFFORD. I believe you said that was what was considered.

Mr. HORNING. You want to know what agreement——

Mr. STAFFORD. As to attorneys.

Mr. HORNING. Tucker, Kenyon & Macfarland.

Mr. STAFFORD. It was decided there that evening that these note brokers should employ the firm of Tucker, Kenyon & Macfarland.

Mr. HORNING. They told me they were satisfied with those attorneys. That is what they wanted—those attorneys to do that.

Mr. STAFFORD. And you went ahead and engaged that firm of attorneys to help you?

Mr. HORNING. Yes, sir.

Mr. STAFFORD. How soon afterwards did you see them?

Mr. HORNING. The members?

Mr. STAFFORD. The attorneys—Tucker, Kenyon & Macfarland?

Mr. HORNING. The same day, I believe.

Mr. STAFFORD. What agreement did you enter into with them?

Mr. HORNING. About filing a bill in court and attempting to declare the law unconstitutional?

Mr. STAFFORD. Did anyone accompany you who was a representative of these note brokers?

Mr. HORNING. No.

Mr. STAFFORD. You went alone?

Mr. HORNING. Yes, sir. Mr. Burnstine was there on one occasion.

Mr. STAFFORD. The day you employed Tucker, Kenyon & Macfarland was there anyone with you on that occasion?

Mr. HORNING. I think Mr. Burnstine was there for a while.

Mr. STAFFORD. Was anybody else there?

Mr. HORNING. No, sir.

Mr. STAFFORD. What was the agreement about the fee that was to be charged for this service?

Mr. HORNING. $1,000 as a retainer and $2,500 in the event of being successful.

Mr. STAFFORD. $2,500 additional?

Mr. HORNING. No; $1,500.

Mr. STAFFORD. So that all Tucker, Kenyon & Macfarland were to receive was $1,500 additional——

Mr. HORNING. That is correct.

Mr. STAFFORD. In case they were successful. In which court?

Mr. HORNING. That is correct.

Mr. STAFFORD. In which court were they to be successful to receive this $1,500 additional?

Mr. HORNING. Why, I don't know whether the court was specified at all.

Mr. STAFFORD. They were to carry it right up through?
Mr. HORNING. Yes, sir.
Mr. STAFFORD. And file a decision? They would receive $1,500 additional if they were successful? Am I right?
Mr. HORNING. Yes, sir.
Mr. STAFFORD. When did you pay the $1,000 to Tucker, Kenyon & Macfarland?
Mr. HORNING. I could not say whether I paid it the day the contract was made, or the day I was there, or a month afterwards.
Mr. STAFFORD. It has been paid, though?
Mr. HORNING. It has been paid.
Mr. STAFFORD. Has anything more been paid to them than that $1,000?
Mr. HORNING. No.
Mr. STAFFORD. And you have now $5,500 in the strong box, of which there is only a claim for $1,500 for attorneys' fees?
Mr. HORNING. For the present time.
Mr. STAFFORD. And that $1,500 is contingent?
Mr. HORNING. Yes, sir; that is right.
Mr. STAFFORD. Have you ever had any understanding as to the return of the balance of this fund to these persons who contributed to it?
Mr. HORNING. No; but they all know that if I have anything left after fighting this bill it would certainly come back to them. There is no understanding about that, though. It doesn't make me anything.
Mr. STAFFORD. Do you know where you could employ any other amount of this money other than the $1,500 which you have contracted contingently to pay to Tucker, Kenyon & Macfarland?
Mr. HORNING. You mean, have I any other contracts out?
Mr. STAFFORD. Yes.
Mr. HORNING. No, sir.
Mr. STAFFORD. You have none pending?
Mr. HORNING. Not at the present time, sir.
Mr. STAFFORD. And you said in your examination here this afternoon, in response to a question put by Mr. Nolan, that you regarded—or words to this effect, that you "did not see the opportunity to use all the money, or I would have used it." You were referring to this money now in your strong box?
Mr. HORNING. How is that?
Mr. STAFFORD. Am I not talking loud enough?
Mr. HORNING. I get that all right.
Mr. STAFFORD. I can talk louder. You requested me not to talk so loud this afternoon. You want me to talk louder?
Mr. HORNING. A little.
Mr. STAFFORD. In response to a question put to you by Mr. Nolan this evening you stated that you "did not see the opportunity to use all the money or I would have used it," referring to this $1,500 in the strong box that you now have in your possession.
Mr. HORNING. I say now that if I saw an opportunity to declare this bill unconstitutional I would use it.
Mr. STAFFORD. And you are holding $5,500 in reserve for that purpose, although you have only contracted to pay out $1,500 contingently?

Mr. HORNING. That is correct.
Mr. STAFFORD. That is all.
The CHAIRMAN. Are there any further questions?
Mr. WILLIS. Mr. Horning, at whose suggestion did this Mr. Ryan and this Mr. Snellings go out to do campaign work? At whose suggestion—do you understand?
Mr. HORNING. Yes. Can I suggest——
Mr. WILLIS. At whose suggestion did Mr. Ryan and Mr. Snellings go out to do this campaign work?
Mr. HORNING. Did I suggest it?
Mr. WILLIS. Did you suggest it?
Mr. HORNING. I don't know; I don't think I suggested it.
Mr. WILLIS. Do you know who did suggest it?
Mr. HORNING. My recollection is that Mr. Ryan told me they were going out.
Mr. WILLIS. Did he tell you that anyone was sending them out?
Mr. HORNING. No; I can't recall that. I don't know how that conversation came about. However, I think Mr. Ryan, if you would subpœna him, would tell you more about those things than I would.
Mr. WILLIS. Did either of them tell you for what political party they were going to work?
Mr. HORNING. Tell me what?
Mr. WILLIS. Did either of them tell you what political party they were going to work for?
Mr. HORNING. Did they do what?
Mr. WILLIS. Did they say for what political party they were going to work—in whose interests they were going to work?
Mr. HORNING. Not in the beginning. They said they were going out, and they did tell me some place where they went.
Mr. WILLIS. What were the places?
Mr. HORNING. I can not recall; I do not know.
Mr. WILLIS. You do not know in which districts?
Mr. HORNING. Those things were not interesting to me.
Mr. WILLIS. You do not know any of the districts into which they went?
Mr. HORNING. I can not recall. They told me some districts, but, however, I can not recall. Those things do not appeal to me. I am not in politics.
Mr. WILLIS. And you paid the expenses of these gentlemen, somewhere between three and four hundred dollars?
Mr. HORNING. There was no agreement on that, I believe.
Mr. WILLIS. Whether there was any agreement or not, did you not, as a matter of fact, pay their expenses to the extent of $300 or $400?
Mr. HORNING. I think that is correct.
Mr. WILLIS. Now, will you state again to the committee, Mr. Horning, just what purpose you had in view in doing that? Why were you paying the expenses of these men to go out and campaign for somebody, you did not know just who?
Mr. HORNING. McGuire and I—I suppose he figured it was good judgment, and we did it. I do not see why else, unless he thought it was good judgment.
Mr. WILLIS. You thought it was good judgment. Why would you do that? What object did you have in view?

Mr. HORNING. I felt that anyone that Mr. Ryan would work for, felt friendly for, would, in fact, feel friendly to labor, and they would vote for the pawnshop bill, if they should come here. I do not think that Ryan and Snelling would work for anything that was not right.

Mr. WILLIS. Do you know what Ryan that is? Do you remember his given name?

Mr. HORNING. How is that?

Mr. WILLIS. You know what his full name is, what his initials are?

Mr. HORNING. P. J. Ryan; I think that is right, sir.

Mr. WILLIS. And from your conversations with Mr. McGuire, you gained the impression that he thought that any persons that would be elected through the efforts or interests of Mr. Ryan would be friendly to the saloon interests; is that the idea?

Mr. HORNING. I should assume that, yes, sir.

Mr. WILLIS. I understood you to say that you heard something about the saloon men raising a campaign fund. What do you know about that?

Mr. HORNING. About what?

Mr. WILLIS. The saloon men raising a campaign fund. What do you know about that?

Mr. HORNING. I know nothing about that.

Mr. WILLIS. Did you not say you heard something to the effect that they were raising a campaign fund?

Mr. HORNING. Oh, that is only hearsay. I do not know anything about that.

Mr. WILLIS. What did you hear about that?

Mr. HORNING. I asked—I do not know whether I asked Mr. McGuire or some one else if they would not contribute to the collection I was trying to raise, and I was informed that they were trying to raise a sufficient amount for a campaign fund themselves.

Mr. WILLIS. You understood from what he said that they expected to contribute to some one of the political campaign funds, is that the idea?

Mr. HORNING. No. My recollection was that they were doing work as I was doing myself.

Mr. WILLIS. They expected to use this money in getting workers in the different districts?

Mr. HORNING. The campaign fund?

Mr. WILLIS. Yes. They were raising a fund for the purpose of sending out workers like Ryan and Snelling. Is that the idea?

Mr. HORNING. No.

Mr. WILLIS. How did they expect to use that fund?

Mr. HORNING. I think either you have got mixed on this or I am mixed on it. Are you asking about the campaign fund?

Mr. WILLIS. I am asking about the campaign fund. You said you understood the saloon men were raising a campaign fund at that time?

Mr. HORNING. The saloon keepers no doubt were raising a fund themselves. I do not know that they did, though. I do not know who contributed to it on either side.

Mr. WILLIS. You do know that McGuire contributed to the payment of the expenses of Snelling and Ryan?

Mr. HORNING. I know that; that campaign fund. That is what I thought you meant.

Mr. WILLIS. I am trying to find out what you meant by your statement. You are sure you do not know at this time for whom Ryan and Snelling solicited, anybody for whom they worked?

Mr. HORNING. I say that Ryan and Snelling, or Mr. Ryan at least—I can not recall Snelling—told me different places where he went.

Mr. WILLIS. Do you remember any of the States in which they worked?

Mr. HORNING. I do not know anything. I know he told me, but I can not recall. Mr. Ryan did tell me.

Mr. WILLIS. But you do not recall in which of the States they went?

Mr. HORNING. I can not recall, sir.

Mr. WILLIS. Did you or anyone for you make any contribution to the fund of a congressional campaign committee? You have already testified that you contributed to the campaign fund of the national committee of one of the political parties. Did you, or anyone for you, make a contribution to the campaign fund of any one of the congressional committees?

Mr. HORNING. No, sir.

Mr. NOLAN. Mr. Horning, you testified to-day that you had somewhere in the neighborhood of $5,000 in that box down there, out of that $8,000 or $7,740, that you had something over $5,000 left in that box down there.

Mr. HORNING. I did not testify to $7,000.

Mr. NOLAN. How much?

Mr. HORNING. I said between $5,000 and $5,500.

Mr. NOLAN. How much did you raise?

Mr. HORNING. I beg your pardon.

Mr. NOLAN. How much did you raise altogether of that?

Mr. HORNING. I think that figure there, $8,000. I have not gone over the figures.

Mr. NOLAN. I figured it out from your statement. Mr. Masters contributed $750 or $800?

Mr. HORNING. I do not know. I said $750 or $800. I do not know whether Masters contributed $750 or $800.

Mr. NOLAN. Mr. Case, $790?

Mr. HORNING. That was my recollection.

Mr. NOLAN. Mr. Bishop contributed $1,000?

Mr. HORNING. That is right.

Mr. NOLAN. Mr. Watt contributed $2,000?

Mr. HORNING. That is right.

Mr. NOLAN. Mr. Wall contributed $2,000?

Mr. HORNING. That is right.

Mr. NOLAN. You contributed $1,200 or $1,500; what was it?

Mr. HORNING. I am more inclined to believe it was $1,500.

Mr. NOLAN. That would make it a little over $8,000?

Mr. HORNING. Yes, sir.

Mr. NOLAN. When did you last count that money?

Mr. HORNING. I have not counted it up for some time.

Mr. NOLAN. You did not count it to-day, did you?

Mr. HORNING. No, sir.

Mr. NOLAN. Are you sure there is $5,000 or $5,500 in there—which?

Mr. HORNING. My recollection is $5,500, but I do not know which it is.

Mr. NOLAN. Five thousand five hundred; your recollection is $5,500? That is your best recollection?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You are sure it is over $5,000?

Mr. HORNING. Well, I know it is $5,000 or $5,500.

Mr. NOLAN. Then I will have to change the figures a little bit. You say you collected $8,000 altogether?

Mr. HORNING. Yes, sir.

Mr. NOLAN. And you have $5,500 still left?

Mr. HORNING. I think that is correct, sir.

Mr. NOLAN. You paid Mr. Davis $2,000?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You paid Mr. Tucker $1,000?

Mr. HORNING. Yes, sir. You have that mixed up; that is not right.

Mr. NOLAN. You paid $500 out of it to Tucker, $250 from yourself and $250 from Burnstine?

Mr. HORNING. Yes, sir.

Mr. NOLAN. You paid $250 to Snelling out of that?

Mr. HORNING. I think it was $250.

Mr. NOLAN. And $200 for expenses?

Mr. HORNING. I do not say whether it was $100 or $200.

Mr. NOLAN. Well, you paid between you $300 or $400. Who paid the largest proportion, yourself or Mr. McGuire?

Mr. HORNING. Well, I think we had an understanding about splitting the difference.

Mr. NOLAN. Well, who was to pay the biggest portion of it?

Mr. HORNING. I think Mr. McGuire was.

Mr. NOLAN. You do not know whether it was $100 or $200 you paid?

Mr. HORNING. I can not recall, now; no, sir.

Mr. NOLAN. That is all.

The CHAIRMAN. Mr. Horning, as I understand you, you think this bill, this legislation, is unconstitutional?

Mr. HORNING. I beg your pardon?

The CHAIRMAN. I say, as I understand, it is your opinion that this legislation is unconstitutional?

Mr. HORNING. I believe so.

The CHAIRMAN. In the event the courts should finally disagree with you and hold it constitutional, would that have any tendency to create any prejudice in your mind against the Constitution of the United States?

Mr. HORNING. None whatever, sir. [Laughter.]

Mr. EASBY-SMITH. May I interrogate the witness, Mr. Chairman?

The CHAIRMAN. Yes; Mr. Easby-Smith.

Mr. HORNING. Well, I am awfully sorry you asked me those questions. It sounds as though it is personal to me. I do not know whether you intended it that way at all.

The CHAIRMAN. Not at all.

Mr. EASBY-SMITH. Mr. Horning, will you state as fully as you recall it the circumstance of Mr. McMichael coming to you for $50 to go to New York for you? Tell what he said, and all about it.

Mr. HORNING. About where that jewelry transaction was?

Mr. EASBY-SMITH. No; when you paid Mr. McMichael $50 to go to New York for you.

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. Tell us all about it, please.

Mr. HORNING. Mr. McMichael told me that he had a friend in New York that he would like to see, that no doubt would be of some assistance to me in our cause; and if he would see that party he might accomplish something.

Mr. EASBY-SMITH. What did you do?

Mr. HORNING. I told him to go to see the party.

Mr. EASBY-SMITH. Did you give him the $50?

Mr. HORNING. I told him I would allow him $50 for his services.

Mr. EASBY-SMITH. Did you give him $50?

Mr. HORNING. Yes.

Mr. EASBY-SMITH. When—then or later?

Mr. HORNING. What?

Mr. EASBY-SMITH. When did you give it to him; at that time, or after he came back?

Mr. HORNING. I assume that I gave it to him at the time; to the best of my recollection.

Mr. EASBY-SMITH. Did you take a receipt for it?

Mr. HORNING. I taken a receipt in full for services rendered in New York.

Mr. EASBY-SMITH. Have you that receipt?

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. Where is it?

Mr. HORNING. I said yes. I do not know whether I have got that or not. I know that I saw it.

Mr. EASBY-SMITH. Will you look for it and let me know later?

Mr. HORNING. Yes, sir. I know I saw that receipt.

Mr. EASBY-SMITH. Do you remember whether that was before or after you met Mr. John McDermott, and Mr. McMichael, and Representative McDermott in New York?

Mr. HORNING. I can not recall that.

The CHAIRMAN. I presume that if he has that receipt, Mr. Easby-Smith, that you desire it filed with the committee? You said to "let me know."

Mr. EASBY-SMITH. Yes; well, I would like to recall him later. You will let the committee know if you can find that receipt, Mr. Horning?

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. Did Mr. McMichael name the man that could help you?

Mr. HORNING. I can not recall whether he did or not.

Mr. EASBY-SMITH. Do you know whether he went to New York on that business or not?

Mr. HORNING. Well, you know I just said once before to-day that I can not recall whether when Mr. McMichael and Mr. McDermott and myself met in New York—whether that was the time, or whether he went there once after that. I can not remember.

Mr. EASBY-SMITH. Now, as I recall it, Mr. McMichael has testified concerning the $125 transaction——

Mr. HORNING. Said what?

Mr. EASBY-SMITH. Concerning the $125 transaction, that when he came back to get his jewelry, you gave him the jewelry without any money and upon his signing a receipt for services for $50; is that true?

Mr. HORNING. I never said that.

Mr. EASBY-SMITH. Is that true?

Mr. HORNING. I say, I did not say that.

Mr. EASBY-SMITH. Mr. McMichael has testified to that. I asked you, is that the fact?

Mr. HORNING. I say this, I can not remember the jewelry going out of there. I have no recollection of it ever going out of there.

Mr. EASBY-SMITH. Well, is it, or is it not, a fact that when Mr. McMichael signed that receipt for $50 that you gave him his jewelry, or did you give him $50?

Mr. HORNING. I do not know. I do not know whether I gave him the $50 in cash when he was—when he went to New York or whether I gave it to him afterwards. I do not know that.

Mr. EASBY-SMITH. At any rate, you gave him $50 for the services?

Mr. HORNING. For his services; yes, sir.

Mr. EASBY-SMITH. In regard to the $20 note, have you got that?

Mr. HORNING. The $20 note, I have it.

Mr. EASBY-SMITH. With you?

Mr. HORNING. I think Mr. Davis has that.

Mr. EASBY-SMITH. Will you examine that and state whether that is the $20 note from Mr. McMichael [handing paper to witness]?

Mr. HORNING (examining paper). Yes, sir; I see that that is marked "No charge" on it. There was no charge made on that.

Mr. RUSSELL. What does "no charge" mean? I do not understand.

Mr. EASBY-SMITH. What does "no charge" mean?

Mr. HORNING. I don't charge him any interest.

Mr. EASBY-SMITH. Where is that mark "no charge"—that pencil memorandum in the corner?

Mr. HORNING (indicating to Mr. Easby-Smith). Yes, sir; you will find this thing marked up there [indicating].

Mr. EASBY-SMITH. This note reads: "Washington, D. C., December 13, 1911, 30 days after date I promise to pay to the order of George Horning $20"—and more printed matter—signed, "I. H. McMichael." Under the signature I find a rubber stamp saying, "No notice." What does that mean?

Mr. HORNING. That is customary in our line. A man will say, "Do not notify me when this is due," and the next man will say, "I want notice." So we give our customers the option. If they say for us to give them a notice, we put a 2-cent stamp on it and mail it to them. If they do not want notice, we do not send one. But we send out a notice the same as a bank would, saying, "Your note will be due on such a day."

Mr. EASBY-SMITH. I find another note in rubber stamp, saying "Loans overdue," and then in red figures the figures "1–13." What does that mean?

Mr. HORNING (examining paper). This word "Loans"——

Mr. EASBY-SMITH. "Loans overdue."

Mr. HORNING. The word "Loans" means that there has been a card put on the collector for collection. It shows there is a card out, that the collector has to call on those people for the money. That is the meaning of the word "Loans."

Mr. EASBY-SMITH. What do these red-ink figures "1–13" mean?

Mr. HORNING. Well, that "1–13" means that the note would be due one month after this date; that would make it January 13.

Mr. EASBY-SMITH. January 13?

Mr. HORNING. December 13, 1911—that would make it come due on the 13th of the next month.

Mr. EASBY-SMITH. January 13. Now, how many times did you say you had sent to Mr. McMichael for this loan?

Mr. HORNING. Well, I could not swear how many times the collector might have gone; the collector might have gone a dozen times, or 50 times, I do not know that; I could not swear how many times.

Mr. EASBY-SMITH. The last response you received was within the last few weeks, when Mr. McMichael sent word that if you would present that to some congressional committee it would be paid?

Mr. HORNING. Sent it to the committee it would be paid. I did not get the word "congressional"; send it to the committee upstairs and they would pay it.

Mr. EASBY-SMITH. Mr. Horning, you have stated that Mr. Heidenheimer was the cashier of you three. By that do you mean that he disbursed all the money?

Mr. HORNING. Yes; Mr. Heidenheimer, he was to do that.

Mr. EASBY-SMITH. Well, did he in fact pay out all the money?

Mr. HORNING. Not at all times.

Mr. EASBY-SMITH. You paid the $2,000 out, as I understand, to Mr. Davis?

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. And you paid the other attorneys?

Mr. HORNING. Yes, sir; I paid Mr. Hart and Mr. Sullivan. Mr. Heidenheimer was present when Mr. Sullivan was paid, because there was a dispute about his fee, and I had to bring Mr. Heidenheimer in, and Mr. Heidenheimer did not want to give him enough.

Mr. EASBY-SMITH. Well, then, were you the cashier, or was Mr. Heidenheimer the cashier, or was each of you the cashier from time to time?

Mr. HORNING. Well, I would go to Mr. Heidenheimer and tell him I needed so much money, and I would take it out of the drawer and tell him if I needed it and make it up later.

Mr. EASBY-SMITH. Then you did not mean that Mr. Heidenheimer was cashier, in the sense that he paid out the money?

Mr. HORNING. I have been trying to explain to you. You have no doubt heard my testimony that I have, in other words, a reserve fund of $750 there that I could draw on at any time that I saw fit; just hand the money out of there, and tell Mr. Heidenheimer, and then later get the money from him. There was always $750 lying there that if I saw fit I could pay to Mr. Hart, and did pay Mr. Hart; I would just simply go to the drawer and take this $750 out. I did not have time to talk to Mr. Heidenheimer. I would go there and get the money; just go there and hand it to him. I do not believe you understand that $750 any more than anyone else.

Mr. EASBY-SMITH. Yes; I do. I will come to that later.

Mr. HORNING. It does not seem that these gentlemen do.

Mr. EASBY-SMITH. Now, Mr. Horning, this statement of February 18, 1913, contains the following, "Previous settlement, $1,687.36."

Mr. HORNING. I did not pay any attention to that statement.

Mr. EASBY-SMITH. Well, did it mean that that much money had been paid out, or that that much money had been put into the fund?

Mr. HORNING. Here is where the whole trouble comes: If Mr. Heidenheimer had put, instead of "Horning expended $1,492"—now, if he had put there "Horning expended about $650," and $750 in cash, he would have had it correct; but he has put down that I expended what I had not expended.

Mr. STAFFORD. Let me ask a question here. How does that affect the interest of your client, Representative McDermott, Mr. Easby-Smith?

Mr. EASBY-SMITH. It only affects it, if the committee pleases, to this extent, and if the committee has not this in mind I will abandon that entirely. As I understand it, the charge has been made directly by Mr. McMichael's testimony that these pawnbrokers corruptly paid to Mr. McDermott a portion of the fund which was raised.

Mr. HORNING. How was that?

Mr. EASBY-SMITH. I am addressing the committee. The committee, so far as I have been able to follow, do not seem to be satisfied with the statement of these witnesses as to the disbursement of this fund. To my mind, from the testimony of this witness, as I have followed it, it is perfectly clear. But if the committee has not in mind that some portion of this fund has been covered up and has been improperly disbursed; unless the committee has that in mind, I will abandon this entire line of examination.

Mr. STAFFORD. You may proceed if you wish to. I thought your interrogatories were more in line for Mr. Horning's attorney, Mr. Davis. I have no objection to your questions.

Mr. EASBY-SMITH. No, sir; it was only that I wanted to see if I am right in my understanding as to where the money went. Now, to get back to my original question: Did that previous settlement, $1,687, mean that that much money had been expended prior to August——

Mr. HORNING (interposing). Well, my dear sir, I have been telling everybody all day that I had money on hand—$750—and you said you understood that.

Mr. EASBY-SMITH. I do. I am asking you now, and I want to know if it is the fact, that that was paid out plus what you had in hand?

Mr. HORNING. What was paid out?

Mr. EASBY-SMITH. This $1,687, is it what had been paid out, plus what you had in hand?

Mr. HORNING. I did not expend all of this money. I always had $750 on hand. Now, for instance, when Mr. Hart was paid he wanted his money right away. He took no chances on anyone paying him. He would not turn a hand until he had his money, and I went to Mr. Davis's office and went right down and got that money there, and Mr. Hart got his money in one or two or three payments,

I do not know which, but I told Mr. Hart about that. Do you understand about that $750 I had on hand all the time?

Mr. EASBY-SMITH. I understand.

The CHAIRMAN. I really think, Mr. Easby-Smith, that the committee understands that very well. That is, they understand the witness's explanation of it thoroughly.

Mr. EASBY-SMITH. All right. Mr. Horning, when you made the contribution to Mr. Costello, did he at that time, or at any other time, so far as you know, know that the $500 came out of a fund which you three men had raised to fight this loan-shark bill?

Mr. HORNING. No, sir.

Mr. EASBY-SMITH. What are your politics, Mr. Horning?

Mr. HORNING. I have none.

Mr. EASBY-SMITH. How long have you known Mr. Costello?

Mr. HORNING. As far back as I can remember.

Mr. EASBY-SMITH. You played as boys together?

Mr. HORNING. That is right, sir.

Mr. EASBY-SMITH. What is your nationality, Mr. Horning?

Mr. HORNING. German descent.

Mr. EASBY-SMITH. And your wife's nationality?

Mr. HORNING. Well, her father is Irish and her mother is Scotch.

Mr. EASBY-SMITH. Did you take any interest in the last political campaign?

Mr. HORNING. No.

Mr. EASBY-SMITH. You knew—were you friendly with Mr. Costello last year?

Mr. HORNING. Yes.

Mr. EASBY-SMITH. You have been all your life?

Mr. HORNING. Yes.

Mr. EASBY-SMITH. Did you know that he was the national committeeman for the District of Columbia?

Mr. HORNING. I was informed of it; yes, sir.

Mr. EASBY-SMITH. Did you know that Mr. Davis and one other gentleman had been appointed by the national committee as advisors to the local committeemen—was that information contained in the letters from New York?

Mr. HORNING. That is the letters that I received. I received that information that Mr. Costello and Mr. Davis were to call on me.

Mr. EASBY-SMITH. And you knew that Mr. Davis had been named by the national committee as the local advisor to the national committeman?

Mr. HORNING. Well, the letter said that Mr. Davis—Mr. Costello, the national committeeman and Mr. Davis——

Mr. STAFFORD. Which Davis?

Mr. EASBY-SMITH. Mr. Henry E. Davis.

Mr. HORNING. The gentleman over there [indicating].

Mr. EASBY-SMITH. Did I have any connection, Mr. Horning, with the loan-shark legislation pending before Congress? Was I employed by you?

Mr. HORNING. I asked you if you would, and you told me no.

Mr. EASBY-SMITH. Did I do anything for you?

Mr. HORNING. No, sir—yes, sir; you did.

Mr. EASBY-SMITH. What did I do?

Mr. HORNING. I think you took me up to Senator Gallinger.

Mr. EASBY-SMITH. Did you offer to pay me for that?

Mr. HORNING. For your taking me up there? No, sir. You told me that you would do that to accommodate me; that you would introduce me to Senator Gallinger; and I asked you if you could not give me some of your time and attention; and you told me that you were engaged in another case and did not want to have anything to do with it—or something to that effect. I asked you for your time and attention.

Mr. EASBY-SMITH. Do you recall, Mr. Horning, whether or not you had gone from the train to the Victoria Hotel before you met Representative McDermott and Mr. McMichael in New York?

Mr. HORNING. Now, what about the Victoria?

Mr. EASBY-SMITH. I am talking to you now about the time that you saw Representative McDermott and Mr. McMichael in New York.

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. Do you recall whether or not you had been to the Victoria Hotel before you met them?

Mr. HORNING. No; I am positive I had not been to the Victoria Hotel, because I had not registered there.

Mr. EASBY-SMITH. Had you been to any hotel before you met them?

Mr. HORNING. No, sir; I had not registered because I had just got in New York.

Mr. EASBY-SMITH. As I understand, after they met you, they suggested that you go with them to the Navarre Hotel?

Mr. HORNING. Oh, yes. They were both very anxious to have me go there instead of registering at the Victoria Hotel; that I would go up there.

Mr. EASBY-SMITH. Did they make that request of you after you saw Mr. John McDermott, or before?

Mr. HORNING. Well, I could not say; but I should say it would be after I saw Mr. McDermott. That would be my recollection.

Mr. EASBY-SMITH. Do you remember whether you went out with them that night to the theater or anywhere else?

Mr. HORNING. No; I left them pretty early.

Mr. EASBY-SMITH. Mr. McMichael has testified that on that night he got very drunk? Have you any recollection of that?

Mr. HORNING. I did not see him.

Mr. EASBY-SMITH. Have you any particular reason, now, Mr. Horning, for remembering that the loans that Mr. McDermott made from you were an even thousand dollars?

Mr. HORNING. Yes.

Mr. EASBY-SMITH. State it.

Mr. HORNING. Simply that I had put so much money in my pocket and that was about all I had.

Mr. EASBY-SMITH. Do you remember whether or not it was this, that when his indebtedness reached a thousand dollars, you would not permit it to go beyond that?

Mr. HORNING. I refused it?

Mr. EASBY-SMITH. When it reached a thousand dollars?

Mr. HORNING. Yes, sir.

Mr. EASBY-SMITH. As I understand, he had borrowed from you from time to time and repaid from time to time, but finally his indebtedness got to be $1,000?

Mr. HORNING. That is right.

Mr. EASBY-SMITH. And that was a purely personal transaction and not carried in your books at all?

Mr. HORNING. No, sir.

Mr. EASBY-SMITH. Do you know whether or not the other Members of Congress who were affiliated with union labor were in favor of the pawnbrokers' feature of the bill; that is, were they in favor of keeping the pawnbrokers out?

Mr. HORNING. They were in favor of keeping the pawnbrokers off of the bill.

Mr. EASBY-SMITH. How many of them, if you know?

Mr. HORNING. My recollection is that the central labor organization instructed their committees to see each and every Member and inform them, or they sent them a letter to that effect.

Mr. EASBY-SMITH. How many do you remember having seen who were not favorable to your view of the case?

Mr. HORNING. Well, I could not say how many I saw.

Mr. EASBY-SMITH. Do you remember any labor men in Congress whom you saw who were favorable to your view of the case?

Mr. HORNING. Well, I did not see them unless I was with some of the members of the labor organization. I saw Representative Dyer and Representative Johnson, I think. I was with one of their members. However, I don't say point-blank about Representative Johnson. It is my recollection I called there with one of their members.

Mr. EASBY-SMITH. Do you know of anything Mr. McDermott did for you or for the pawnbrokers on this bill?

Mr. HORNING. In what way?

Mr. EASBY-SMITH. In any way.

Mr. HORNING. For me?

Mr. EASBY-SMITH. For you or for the pawnbrokers in behalf of the bill?

Mr. HORNING. I don't know whether he said any more than any other Member would say.

Mr. EASBY-SMITH. I mean, do you know of his approaching any of them in regard to it?

Mr. HORNING. No, sir.

Mr. EASBY-SMITH. Did he express to you his own opinion about the bill?

Mr. HORNING. Yes. He did not agree with me on some things.

Mr. EASBY-SMITH. Did he agree with you on any of the things?

Mr. HORNING. Well, he thought there ought to be regulations.

Mr. EASBY-SMITH. Do you remember that he agreed with you that the pawnbrokers ought not to be included?

Mr. HORNING (after a pause). I would not want to swear he committed himself either one way or the other on that.

Mr. EASBY-SMITH. Did you make him these loans for the purpose of influencing his action in regard to this bill?

Mr. HORNING. I did not.

Mr. EASBY-SMITH. Did you at any time think it was necessary for you to extend any favor to him to get his support?

Mr. HORNING. As far as our bill was concerned, I did not have to be uneasy about Mr. McDermott's vote. The lawyers for the Central Labor organization had investigated it and reported to their representatives that it was reasonably certain they were fully inclined to vote on that. That is the way I went about it.

Mr. EASBY-SMITH. That is all, Mr. Chairman.

The CHAIRMAN. You may be excused, Mr. Horning.

Mr. Easby-Smith, do you desire to put this note in evidence?

Mr. EASBY-SMITH. I do, Mr. Chairman.

The CHAIRMAN. This note will be filed and marked as Exhibit Horning No. 3.

(The note referred to is as follows:)

HORNING EXHIBIT No. 3.

$20.00.

WASHINGTON, D. C., *Dec. 13, 1911.*

Thirty days after date I promise to pay to the order of Geo. Horning twenty dollars, at N. E. cor. Ninth and D Sts. NW. Value received, with interest at 6 per cent per annum and an attorney's fee of $10 in event payment of this note shall not be made at maturity and suit shall be instituted thereon.

I. H. MCMICHAEL.

(LOANS.)
Overdue. 1/13. Address—No notice.

GEO. D. HORNING,
Note Broker, N. E. Cor. Ninth and D Sts. NW.

Phone connection.

The CHAIRMAN. Mr. Davis, you hardly care to go on to-night, do you?

Mr. DAVIS. I shall be unable to attend the meeting to-morrow forenoon, as I have an engagement in court.

The CHAIRMAN. You simply desire to make a statement. Have you any idea how long it will take you?

Mr. DAVIS. It ought not to exceed 15 minutes. I simply desire the privilege and opportunity of testifying before the committee in relation to these matters that touch me personally, as they have been brought out here—that, and nothing else.

The CHAIRMAN. And you say you expect to leave the city when, Mr. Davis?

Mr. DAVIS. I am planning to leave the city on Saturday. I can not get away until Monday, however.

The CHAIRMAN. It seems to be the sense of the committee that we adjourn at this time. We will make every effort to accommodate you, so that you can testify before leaving the city, probably to-morrow afternoon. Will it be convenient for you to attend to-morrow afternoon?

Mr. DAVIS. I will make it convenient.

The CHAIRMAN. I understood you had a case in court to-morrow.

Mr. DAVIS. That will not last past 1 o'clock.

The CHAIRMAN. We will make an effort to give you a hearing to-morrow afternoon.

Mr. Emery desires to call attention to some errors in the record.

Mr. EMERY. I call the attention of the committee to this at this time because maybe you are studying the record, and I should not like the errors in my testimony to go uncorrected. On page 159 an exhibit marked "H. R. 163," a letter to Mr. C. W. Post, or a circular letter addressed to C. W. Post, beginning on that page and turning

over on page 160, at the conclusion of the first paragraph on that page there has evidently been inserted a portion of another letter, which is a letter from Mr. Schwedtman to myself.

Mr. WILLIS. Is this in the House of Representatives print?

Mr. EMERY. It is page 159.

The CHAIRMAN. Can you read the language that has evidently been inserted?

Mr. EMERY. I recognize the letter because it was a circular letter addressed to a number of persons, while the portion of the letter that has been attached to it was a letter from Mr. Schwedtman to myself.

Mr. CLINE. Mr. Chairman, I wish to object to the correction of that matter myself until I have had time to examine it, because I observe Mr. Emery was very extensively examined on that proposition in the Senate, and I want to know about that before making the correction.

Mr. EMERY. The letter is printed in full, Judge, and you can see at once by a comparison that there is an error.

Mr. CLINE. I notice a very extensive examination of you on that matter, and I wanted to examine it before it is corrected.

Mr. EMERY. I merely want to call the attention of the committee to it.

The CHAIRMAN. You think it was in the confidential print the same way it appears in the hearing?

Mr. EMERY. Oh, no; it is not on the confidential print. We offered that letter ourselves.

The CHAIRMAN. Was it not in our print?

Mr. EMERY. No; it was a circular letter written by Mr. Van Cleave.

The CHAIRMAN. And not in the House confidential print?

Mr. EMERY. No.

Mr. RUSSELL. Is it correct in the Senate hearings?

Mr. EMERY. Yes, sir.

Mr. RUSSELL. It is correct in the evidence?

Mr. EMERY. The whole thing is correct in the evidence.

Mr. CLINE. Was that the letter Senator Reed put in evidence over there next to your last day's examination?

Mr. EMERY. I could not tell. It is a circular letter written by Mr. John N. Van Cleave, and this copy was addressed to Mr. C. W. Post.

Mr. CLINE. Suppose we let that go over until we get the other exhibit and compare it.

Mr. EMERY. Yes.

Mr. WILLIS. In the meantime, can you look at ours and tell us what page it is in the confidential papers?

Mr. EMERY. It is not in the confidential print.

Mr. WILLIS. It is in the evidence in the case?

Mr. EMERY. Yes, sir. Then I want to call attention to page 216 of the record of the House. Mr. Stafford was examining me at the time, and he will recognize the error.

Mr. STAFFORD. I wish to say I have not examined these hearings of our committee except hastily, and then only parts 1, 2, 3, and 4.

Mr. EMERY. Yes, sir. I think you will immediately see, Mr. Stafford, that the word "manufacturers" has been inserted there instead of "unions" in my answer to your question.

Mr. STAFFORD. On the day following my receipt of the hearings I called attention of the committee to numerous errors where I had been misquoted. I did not take the time to go over each and every one.

Mr. EMERY. This is my answer, and you will see it is an obvious error.

Mr. STAFFORD. How would you know whether organized labor was opposing him or not?

That was with reference to Representatives in Congress. To which I answered:

One who has ears could hear and who has eyes could see.

And then:

The manufacturers' opposition was very apparent. They frequently made lists of those whom they attacked and the information was notorious.

What I said was, "The unions' opposition was very apparent." I was answering Mr. Stafford's inquiry.

Mr. STAFFORD. I recall that distinctly occurred.

Mr. EMERY. Yes. On page 78 of the House print there is a little error of hearing. The name "Mr. Charles Gaines" is printed there. It should be "Mr. Charles Ames."

The CHAIRMAN. All right, Mr. Emery; are there any others?

Mr. EMERY. One other. On page 45 of the hearing I am quoted, immediately after the chairman introduced into the record the certificate changing the number of directors of the National Association of Manufacturers, as saying:

I can testify that that is right, Mr. Chairman, because I was with the association when that took place.

The CHAIRMAN. Mr. Bird was the gentleman who made that statement.

Mr. EMERY. Yes. That is an error.

The CHAIRMAN. Yes; I observed that error myself. Mr. Bird was the gentleman who made that statement, I remember very distinctly. Something was said about his testifying without being sworn. It was Mr. Bird who said he knew of that.

Mr. EMERY. That is correct. If you gentlemen will examine the print there with reference to this letter, it will be obvious it is evidently not the same letter.

The CHAIRMAN. Yes; we will examine that.

The committee will now adjourn until 11 o'clock to-morrow.

(Thereupon, at 10.30 o'clock p. m., the committee adjourned until to-morrow, Thursday, August 21, 1913, at 11 o'clock a. m.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, August 21, 1913.

The committee assembled at 11 o'clock a. m.

Present: Representatives Garrett (chairman), Cline, Russell, Ferris, Stafford, Willis, and Nolan.

The CHAIRMAN. The committee will be in order. Mr. Johnson, will you take the stand?

TESTIMONY OF HON. BEN JOHNSON, A MEMBER OF CONGRESS FROM KENTUCKY.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Mr. Johnson, how long have you been a Representative in Congress?

Mr. JOHNSON. I was elected to the Sixtieth Congress and to each succeeding one until now.

The CHAIRMAN. How long have you been a member of the Committee on the District of Columbia?

Mr. JOHNSON. All the time since I first came to Congress.

The CHAIRMAN. And became chairman of that committee when?

Mr. JOHNSON. At the beginning of the Sixty-second Congress.

The CHAIRMAN. That committee dealt with the so-called loan-shark legislation for the District of Columbia?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Do you remember the genesis of that matter; when it had its beginning—the first bills that were introduced? Were there any bills introduced prior to the time you became chairman?

Mr. JOHNSON. The only loan-shark bill to which my mind turns that was introduced before the Sixty-second Congress was one that was introduced in the Sixty-first Congress.

The CHAIRMAN. By whom was it introduced?

Mr. JOHNSON. I do not remember by whom it was introduced. I remember when it was up for consideration.

Mr. RUSSELL. Mr. Samuel W. Smith?

Mr. JOHNSON. It was likely introduced by Mr. Samuel W. Smith, of Michigan, who has been chairman of the District Committee.

The CHAIRMAN. Do you remember the contents of that bill well enough to state in a general way what it included?

Mr. JOHNSON. That bill was very much in substance like every other one that I have seen. It fixed the rate of interest at 2 per cent and excluded the pawnbrokers from its provisions.

The CHAIRMAN. Excluded them?

Mr. JOHNSON. Yes.

The CHAIRMAN. You say that was considered in committee in the Sixty-first Congress?

Mr. JOHNSON. Yes.

The CHAIRMAN. Now, will you just give, in your own way, please, sir, a history of that legislation, as you remember it?

Mr. JOHNSON. All that I remember about it is that it was reported out of the committee without any serious contest about it. When it got upon the floor of the House for consideration a fight was made upon the rate of interest.

The CHAIRMAN. That was in the Sixty-first Congress?

Mr. JOHNSON. That was in the Sixty-first Congress, and in the last session of the Sixty-first Congress, and there was an effort made to pass it at the heel of the Sixty-first Congress. I remember that I participated in an effort to lower the rate of interest, and I remember especially the interest and the participation taken by Mr. Finley, of South Carolina, upon the rate of interest, endeavoring to reduce it as low as possible. And, while I can not speak accurately upon the subject, because I have not looked it up, if my memory serves me correctly, the Sixty-first Congress reduced the rate of interest in the bill to 1 per cent a month.

The CHAIRMAN. That was on the chattel-mortgage business alone? That did not include the pawnbrokers?

Mr. JOHNSON. It did not include the pawnbrokers.

The CHAIRMAN. Now, coming to the Sixty-second Congress, Mr. Johnson, will you give the history of that legislation and tell us all about it in your own way?

Mr. JOHNSON. I recall from memory that there was more than one loan-shark bill introduced in the Sixty-second Congress. Mr. Dyer, of Missouri, introduced one. He was also a member of the District Committee. Because of his membership on that committee I succeeded in having his bill taken up for consideration over a like bill introduced by anybody else; or, in other words, I was endeavoring to give the preference to a member of the committee. It had not been brought to my attention that a bill had been introduced on this subject until a man called my attention to it, saying that he was interested in it because he was in the business.

But, first, I may say that shortly after I became chairman of the committee Capt. C. C. Calhoun, formerly of Kentucky and now a resident of the District of Columbia, came to me at the Cochran Hotel, where I was then boarding, and asked me if a man by the name of Foster had presented to me a letter from him (Calhoun). I told him he had not. He said that a man by the name of Foster, whom he knew slightly, had come to him and wanted a letter of introduction from him (Calhoun) to me, and that he asked him

what he wanted with it, and he said he wanted to make an application for the clerkship of the District Committee. Capt. Calhoun said that he gave the letter with some hesitation and perfunctorily, and that he had come to see me for the purpose of saying that he knew little or nothing about Mr. Foster and to request me to pay no attention to his letter. That is not particularly significant unless the significance came later.

Not long thereafter Mr. Foster came to me——

The CHAIRMAN. Do you remember Mr. Foster's initials, Mr. Johnson?

Mr. JOHNSON. I am not sure as to his initials, but I have an idea that they are W. A.

(Continuing:) And wanted to be made clerk of the committee, and I told him that Mr. Gore, of Kentucky—Rogers Gore—either had been made clerk of the committee, or would be, I forget now which it was. He then asked me how much the position paid. I told him $2,500. He said that that was his understanding of it. He then stated to me that if he could be made clerk of the committee he would guarantee a position for Mr. Gore paying $3,000 a year, and I told him that it was not worth while to discuss it, that I wanted Mr. Gore and did not want anybody else.

The CHAIRMAN. He said that he would guarantee a Government position to Mr. Gore?

Mr. JOHNSON. No.

The CHAIRMAN. He did not say what position?

Mr. JOHNSON. A Government position was not referred to at all. He just said he would guarantee a position to Mr. Gore at $3,000 a year, but I declined to discuss it with him.

I am frank to say that that kind of prejudiced me against Mr. Foster, but he came around a number of times, and, as he never mentioned legislation, that prejudice I took up in the beginning was soon dissipated, and perhaps on a couple of occasions he and I, with Capt. Oyster, Senator Overman, and some others went out to the aviation field at College Park, and Mr. Foster was with us and was rather engineering or chaperoning the party. I just lapsed into practical forgetfulness of the proposition that he should be made clerk of the committee, until later along it came up again. It came up through the absence of Mr. Gore from Washington because of the prolonged illness and final death of his wife.

During his intermittent absences from Washington, upon one occasion Mr. Joel T. Pyle, of Kentucky, came on here to do Mr. Gore's work for him until Mr. Gore should come back from a visit to his wife, who was quite ill, and who, as I said, finally died. Mr. Pyle told me that Mr. Foster came to him and told him that if he (Pyle) would make an arrangement by which he (Foster) should become clerk of the committee, that he would get a $3,000 place for Mr. Pyle. Mr. Pyle at that time was superintendent of public schools in Breckinridge County, Ky., and it was during the vacation time. Mr. Pyle afterwards took the civil-service examination and went into the pension office at Louisville. Then, when the pension agents were wiped out by recent legislation, he was transferred to Washington, and Mr. Pyle is here in Washington now in the Pension Bureau in some capacity, I know not what.

Also, shortly after the first session of the Sixty-second Congress was underway, a card was brought in to me one day on the floor of the House. It bore the name of Joseph P. Cullen. I went out to the main door and Mr. Cullen stepped up and introduced himself to me. I had never seen him before. He also introduced me to another man who was with him, and, with less accuracy than I can recall Mr. Cullen's name, I think his name was Leonard. They said they wanted to talk to me about the loan-shark bill that had been introduced, and wanted me to go to lunch with them. I declined to go to lunch. I asked them what it was they wanted to say to me about the bill. They began by discussing the rate of interest, which was fixed in the Dyer bill at 2 per cent, saying that it was too low.

Mr. STAFFORD. Where was this meeting, Mr. Johnson, if you can recall?

Mr. JOHNSON. Just off a little bit from the east door of the House.

Mr. STAFFORD. Not where, but when?

Mr. JOHNSON. I am not able to fix the time, except that it was rather early in the first session of the Sixty-second Congress.

I told them that no extended conference with me was necessary; that I was absolutely ironclad against all usurious rates of interest. I do not know that it is of any consequence now, but I told him that some years ago I took the practical management of a bank only after it had been irrevocably agreed to that no more than 6 per cent should be charged, that I was very much against any kind of usury, and that I thought there was no sort of excuse for it in the District of Columbia; that I challenged any man to name to me a condition under which anybody would be compelled to pawn any article of jewelry or any other thing of value in the District of Columbia, or be driven by any kind of necessity to execute a note with extortionate interest in it.

In the discussion it came out that a man might some time want to pawn his watch to get away from town, and I said: "No; that would not hold good, because every Congress appropriated $3,000 or $5,000—I do not know which it was, but one or the other—to get broken people out of the city of Washington, that they did not want them left here as charges, and that every appropriation bill carried that amount of money for the purpose of buying tickets for people who might become stranded here."

Then it was suggested that a man might want to borrow because of some member of his family being sick. I argued that out that Congress appropriated more money for charitable and hospital purposes than any other city gave to the same work that I knew of, and I could not imagine any kind of instance in which a man would have to borrow under disadvantageous circumstances, and that so far as I was concerned I would use every effort to keep all rates of interest down to 6 per cent, and that all time with me upon that subject was lost.

A few days afterwards Mr. Cullen came back and wanted to know if I was absolutely, irrevocably, and immovably of that opinion. I told him that I was; and he said that whenever that bill had been up in the past they had made a fight against it, but he accepted the situation, and he also saw the disposition manifested by the then next preceding Congress—which was the last session of the Sixty-

first Congress—upon that subject, and that he would just simply acquiesce in it and make his arrangements to go out of business and would not bother with it any more. While I saw him occasionally after that, he never entertained the slightest hope of defeating the bill and never showed any interest in looking toward its defeat after that; in other words, he just plainly acquiesced in what he and I both realized to be the inevitable.

The CHAIRMAN. Mr. Johnson, was Mr. Cullen an attorney?

Mr. JOHNSON. No; Mr. Cullen said he was in the loan business.

The CHAIRMAN. Personally interested in it?

Mr. JOHNSON. Yes; that he was interested in the loan business.

He saw that the inevitable was before him and said that he would not bother with it, and that he would just simply make his arrangements to go out of business.

Then, after my attention had been called to this bill in that way, I took it up to the hotel with me on one Saturday night and on the next Sunday afternoon I took it up and studied it as best I could, and then and there prepared some 12 or 15 amendments to it, one of which was to include pawnbrokers. At the very next meeting of the committee, without waiting for the subcommittee to which the bill had been referred to report, I brought it up in the committee and offered each one of these suggestions of mine. They were all adopted, including the pawnbroker amendment, except the one as to interest. I was stickling for 6 per cent a year, but the rest of the committee thought that 2 per cent—or at least a majority of the committee thought that 2 per cent would be about right, and if I recollect correctly the bill was reported out that way.

The CHAIRMAN. Two per cent a month?

Mr. JOHNSON. Two per cent a month. I was perfectly willing for it to be reported out that way, having no sort of doubt that the House would reduce it. So Mr. Dyer, being the author of the bill, was designated by me as chairman of the committee to prepare the report and to make that report to the House. However, I prepared the report and fixed it up in Mr. Dyer's name and turned it over to him, and he made the report to the House. When the bill came up for consideration on the floor of the House it resulted about like I thought in advance, that the rate of interest would be reduced. On the floor of the House the rate of interest was reduced from 2 per cent a month to 1 per cent a month. I did not believe that I could get any less than 1 per cent and did not make a serious fight for less than 1 per cent. Mr. Dyer, the author of the bill, contended upon the floor of the House for the 2 per cent a month, and at the very last moment, in the consideration of the bill by the House, Mr. Dyer made a motion to exclude the pawnbrokers from the provisions of the bill. A viva voce vote was taken upon that subject, and it was defeated, so the bill passed the House practically as the committee reported it to the House, with the exception that the rate of interest was reduced from 2 per cent a month to 1 per cent a month. In that shape, still including the pawnbrokers, the bill went to the Senate.

The CHAIRMAN. Do you remember the date it passed the House? Have you that date before you?

Mr. JOHNSON. It passed the House committee on January 8, and on February 12 thereafter it passed the House in the shape I have just indicated.

The CHAIRMAN. 1912?

Mr. JOHNSON. February 12, 1912, it passed the House. The bill then went over to the Senate and the Senate put some amendments on it.

Mr. STAFFORD. Pardon me, but you have the data. Give us the date it was reported to the House by your committee; the date when the Dyer bill was introduced and when it was reported.

Mr. JOHNSON. According to the memorandum which I have, and which I have no doubt is correct, the Dyer bill was introduced in the House May 5, 1911; reported from the House committee to the House with sundry amendments August 2, 1911; reported favorably from the Committee of the Whole to the House January 8, 1912; passed by the House February 12, 1912; passed by the Senate April 23, 1912; and went to conference May 18, 1912. The Senate receded and agreed to the contentions of the House January 11, 1913. The House agreed with the conference report January 23, 1913, and the bill was signed by the President February 4, 1913.

Now, it may be well to state right there, in connection with the lapse of time, that the bill went to the Senate on April 23, 1912, and went to conference on May 18, 1912. It remained in conference until the 22d of August, 1912, when Congress adjourned. The bill then went over until December, when Congress reconvened in regular session, and then the next step after Congress reconvened in December was the agreement to a conference report on January 11, 1913.

When it became evident to me that there would be a conference between the two bodies on the bill, I began to give that matter some consideration. I thought the House committee over, realizing that Mr. Dyer should be upon the committee because of his having introduced the bill, and my mind finally turned to Mr. Adair for the other member of the committee on conference. I went over to where he was on the floor of the House and sat down by his side and had a talk with him. I saw that Mr. Adair was as heartily as I was in favor of a low rate of interest and that he was also in favor of keeping the pawnbrokers in the bill. I then wrote out three names: Mine, that of Mr. Adair, and that of Mr. Dyer, and went to the Speaker and requested that that conference committee be appointed, and the Speaker appointed that committee.

Then I communicated with the Senate conference committee, and shortly afterwards we had a meeting. My recollection is that when the first conference was had all three of the House conferees were present and that upon the part of the Senate conferees only Senators Curtis and Dillingham were present, Senator Paynter, the other conferee, being absent from the city.

However, we took the matter up for consideration, and Senator Curtis commenced the reading of the bill. He read along until we came to the amendment marked No. 1. We discussed that but little and very readily agreed. Just what our agreement was I do not recall; I could only get that from the conference report, because, as I said, there were a number of amendments. When we came to the next five amendments in order we had no trouble to agree. We went along until we came to an amendment that the Senate had put on taking the pawnbrokers out of the bill, and that was the first real trouble we struck. Senator Dillingham asked me if I was unalter-

ably opposed to letting the pawnbrokers out. I told him that the way I looked at usury was that it was robbery, and that I was not in favor of licensing any kind of extortion upon the poor or the distressed or the needy. Then I went over with them in a short way the same arguments that I had theretofore gone over relative to there being absolutely no necessity for either a pawnbroker or a loan shark in the District of Columbia.

Mr. Adair, I recall, asserted himself about as emphatically as I did. Mr. Dyer had but little to say, and finally Senator Curtis said that he would not recede from the pawnbroker amendment, and that he thought that they ought not to be in the bill, and that he would not consent for them to be in. I then said, "Well, Senator, you will have to take the responsibility. In my judgment, to allow anybody here at the Nation's Capital to practice extortion would be an outrage, and I have fully expressed myself upon the subject, and I shall never hesitate to do so in the future, and if this bill does not become a law you will have to stand sponsor for the extortion that may be practiced under existing laws."

He took very serious exception to my plain, blunt remarks, and we broke up the conference just in that shape. After a while—I kept no account as to how long it was—but being on intimate terms with Senator Dillingham, and having somewhat strained my relations a little bit with Senator Curtis, thereafter I spoke of having other conferences only with Senator Dillingham. By and by another conference was had with the same result as the first, and I am not quite sure whether we had three or four conferences. I was talking with Mr. Dyer upon the subject this morning, and neither of us quite agreed whether it was three or four, but I am rather inclined to think we had four conferences.

If we had four conferences, at the third or, in other words, at the next to the last conference Senator Paynter had come in. He had returned to the city, and Senator Paynter said that he had not been present on the committee when the bill was considered, that he had not been present at any of the former conferences, but would cooperate with the Senate conferees upon the subject. So that left us just where we had started, and we broke up again. But probably the day before, or on the day of the last conference, I got word from Senator Curtis that he would like to have another conference. So I got the House conferees together—if not all three of them, at least Mr. Adair and myself—and we had the conference and agreed then to report the bill as it was reported out, at 1 per cent a month interest and including the pawnbrokers in the bill.

At one of our conferences Mr. Dyer was not present; at another Mr. Adair was not present—my recollection is that Mr. Adair had a son very ill at home, and that he was away from the city of Washington on that account.

Now, then, as to what was done by Mr. Horning or these other men who have testified during that time, I can only state from memory. Nobody, as I recall, came to me about the loan-shark bill before it was reported out of the House—before it was reported out of the committee—except Mr. Cullen, and, as I told you, I told him very plainly and emphatically what my attitude was and what I thought the attitude of the committee was, as well as that of the

House, and that I thought he was losing his time to bother with it. He thoroughly agreed with me and said he would not, and let it go at that. When I got the bill up in the committee and got this pawnbroker amendment fastened to it, there was a considerable rush to see about it. If I remember correctly, Mr. Horning and perhaps one or the other of these two men who have already testified, either Mr. Burnstine——

Mr. RUSSELL. Or Mr. Heidenheimer?

Mr. JOHNSON. Or Mr. Heidenheimer, came to see me. Mr. Horning, when he first came to see me was not alone; one or the other of these gentlemen was with him and, if I am not mistaken, somebody else, but who the somebody else was I do not now recall. They undertook to argue with me that they could not live, that they could not successfully carry on their business, in other words, if the rate of interest was cut down to 2 per cent. Just as frankly as I had dealt with other people upon the subject I dealt with them, and I told them I was not caring a continental whether they succeeded or not; I was caring more for the other fellows who had the usurious interest to pay, and I was looking after them and what they would get out of it, and not what the people would get out of it who collected the interest. Mr. Horning then undertook to argue with me the necessity of it, and I told him it was not worth while to argue with me about that source, that I could never be convinced of the necessity of any such institution in the District of Columbia. He then began to tell me how liberal he was with his patrons, and he said, "Right now more than a third of my loans are overdue," and that he had then not yet sold the articles which he had in pawn, although under the law he was entitled to sell them. I told him that if one-third of his patrons had to let their property go at what had been loaned upon it, instead of what they might have gotten for it, it was an additional argument to me why they should be put out of business if possible, and I would pursue my efforts in the even tenor of my way to put them out of business.

They insisted upon hearings. I told them that the bill was no longer in the hands of the committee, that it was the property of the House, and for a committee to have a hearing when a bill had left the committee was a most unusual request and that, in so far as I was concerned, I was not in favor of it, and that I might be argued with as much as they could and I would be of the same opinion still, relative to it. But they continued for some time in their efforts to get a hearing. Every time I told them that the bill was not the property of the committee any longer, that it had gone from the committee. Then some one of them, I do not know which one, told me that they were going to get up a brief, and that they wanted to send me a copy of it and wanted me to read it. A copy of that brief was not sent to me, but was brought in person to me. By whom, I do not recall. I read the brief and remained of my former opinion. Finally, one day, Mr. Horning came into my office and he had a Mr. Foster with him, the man that I first referred to as wanting to be clerk of the committee.

The CHAIRMAN. By the way, do you know who Mr. Foster is?

Mr. JOHNSON. I asked Mr. Foster that and he told me he was a representative in Washington of the Traveling Men's Association;

that he controlled a great many votes in practically every State of the Union, and he also told me, in one of his conversations, that he was going over into Maryland for the purpose of defeating somebody. I forgot who; it was not interesting to me, because I did not take much interest in it.

Mr. Horning and Mr. Foster came into my office on day and Mr. Foster introduced Mr. Horning. I told him yes, I knew Mr. Horning. Then Foster opened up the conversation by saying they had come over to talk about the loan-shark bill to me; they wanted to get me interested in its defeat. Well, it then redawned upon me that Mr. Foster had, perhaps, wanted the clerkship of the committee for some sinister motive, and I resented it, and I summarily dismissed both Mr. Foster and Mr. Horning, and immediately left to go over to the House. It must have been just before 12 o'clock, because I remember that I went through the subway and a number of other people were going along through the subway. Mr. Foster came along and overtook me about halfway in the subway and brought up the subject again, and in rather an insistent way, and by the time we got nearly up to the end of the subway which is nearest to the Capitol, I could not stand it any longer and I turned upon Mr. Foster there, and used some language which I should not have used, and came very near attacking him.

I did not see anything more of Mr. Foster for, perhaps, about a year. I was coming down on the street car one afternoon on my way to the Capitol. Mr. Foster got on and he came up to the end of the car where I was and I looked up and saw who he was and I said, "Sit down," and he sat down. I said to him that when I last saw him I had overdone what I should have done in a milder way. I said, "Upon that occasion I used some language to you that I should not have used, and upon that occasion I spoke of giving you a thrashing, and that both the language and that inclination were not necessary, that I should have gotten rid of them without doing that, and for those two things I want to apologize to you." He accepted the apology and I have seen him but once since.

Mr. Horning came in shortly after that. But before I go into that: Col. Judson, who was then one of the Commissioners of the District of Columbia, seemed to have heard of that in some way, or somehow—I do not know—and he said to me one day that Foster, in his opinion, had been representing himself around as having influence with me, and I resented that, too, in my own feelings of the matter. Mr. Horning came down upon another occasion, after the Foster incident, just before I was ready to start over to the House for its 12 o'clock meeting, or 11 o'clock meeting, whatever it was I do not know; but I was about to leave the office to go to the Capitol, and he walked along with me between the House Office Building and the Capitol and talked to me about it, still hoping for a hearing, and at the same time disclaiming any improper motive in having Mr. Foster along with him upon the former occasion. I did not discuss it much with him, and as we passed along over the square I said to him: "Now, I have discussed this proposition with you Jews all I intend to." He rather resented that and said he was not a Jew. I think he said he was an Irishman.

Well, upon another occasion a man by the name of Ryan, whose name I see given in the print as being P. J. Ryan, came to see me relative to the pawnbrokers' bill. He was with some one or other of the pawnbrokers—I do not know which one; maybe one or two of them; but I do not know which one—and Mr. Ryan undertook to argue with me that a pawnshop was a beneficial institution for the laboring man, and that he represented the laboring interests here. Well, I humored him to some extent; then I argued the proposition with him and gave him the reason which I have given briefly heretofore, that there was no excuse for a pawnshop or loan shark in the District of Columbia. Finally I said to him: "Now, you are a representative of labor. Suppose you tell me, if you can, why a laboring man or their representatives should be in favor of the pawnshop?" He answered that the pawnbrokers of Washington were prosperous and that they had a good deal of house painting to do, and the people of the labor union he represented got that work to do. I said: "Then your argument is that they had better rob the many in order to give employment to the few?" and I got rid of him on that, so he did not come back any more on that proposition.

Some four or five weeks ago—I am not exactly certain as to the time—Senator J. Hamilton Lewis came to me on the floor of the House and said he had received a letter from a pawnbroker in Chicago who said he had a brother who was a pawnbroker in Washington, and that the pawnbroker in Washington wished to have a conference with me relative to the pawnbrokers' bill; and he wanted Senator Lewis to make an appointment with me for the brother pawnbroker that lived in Washington. I told Senator Lewis I would be very glad to see this man whenever he would call to see me, and he said he would write to the pawnbroker in Chicago to that effect.

Mr. FERRIS. Was that a Mr. Wall?

Mr. JOHNSON. No; I will give you his name. So, probably two or three weeks ago, a man came into the office, and after he told me his name was Burnstine and that he was a pawnbroker here I remembered him. He presented a letter from Senator Lewis, which was in substance his conversation upon the floor, indicating that he did not know him and that he was simply carrying out the request of his constituent over in Chicago. Mr. Burnstine's mission was to get me to introduce a bill to repeal the present law, and asked me if I would do it, and I told him I would; it would gratify me very much. He then asked me what rate of interest I would fix in the bill—2 per cent or 3 per cent a month. I told him neither; that I was preparing a bill to fix it at 6 per cent a year; and that discouraged him very much, and he said he would pick up his belongings and move out. I told him that I thought the more of them that moved out the better off the town would be.

So, this morning, a man by the name of Starr came to see me. He said he had a pawnshop; that he was a Philadelphia man, and had some pawnshops scattered around over the country, and that he had one here. I think he said it was at Grant Place and Ninth Street. He said he wanted to know if it was possible to get a bill introduced to change the rate of interest of the last bill that passed; and I told him yes, I had already done some work in preparing a bill along this line; and he wanted to know what rate of interest I thought I would

fix in the bill. I told him 6 per cent a year. He also was very much disappointed over the matter and left.

Now, that is a general recital of the history of the matter as I recall it. If some member of the committee wishes to ask me any questions I will tell it as best I know how.

The CHAIRMAN. Mr. Johnson, at one time I saw in the public prints of the city here, where your office had been or your committee room had been broken into, and the prints intimated at that time or suggested at that time that you were being shadowed by detectives, and there was considerable discussion of it. I do not know that all my information came from the prints; there was considerable discussion about it among Members and other persons. Have you any information in regard to that matter that you can give the committee?

Mr. JOHNSON. Yes; I have; but I believe, Mr. Chairman, that the interests of justice and common decency would be better served if that matter were not brought out for just a little while yet. Some developments are going on in the matter which I hope will add to what information I already have upon the subject, but if insisted upon I will tell here what I know about it, but I believe that the committee will accomplish its own work better if there is some delay in the matter.

The CHAIRMAN. Well, from your knowledge of the investigations, if they may be called such, that are going on, do you think it would be possible to have that information before very long?

Mr. JOHNSON. I hope so; yes.

The CHAIRMAN. And based upon that knowledge of what you do know and your knowledge of the investigations that are going on and the developments that are in progress, and upon your responsibility as a Representative and as chairman of the committee, you think that it would be better not to go into the matter of what you do know now and make that public?

Mr. JOHNSON. I am sure it is best.

The CHAIRMAN. And when you do obtain this information you will give it to this committee?

Mr. JOHNSON. Yes; if they want me to do so.

The CHAIRMAN. Mr. Johnson, did you receive any threats of any character or any communications indicating that threats were being made against you by any person or persons about the time of the pendency of this legislation?

Mr. JOHNSON. Mr. Garrett, I guess that I have received that character of information as many as a hundred times. Always anonymously except in two instances. I do not know when I can recall a day that I did not get an anonymous communication of some kind. I got two or three to-day and several yesterday. I have received a number of anonymous communications threatening me unless I desisted in the work that I was endeavoring to do. No anonymous communication ever specified what I was to desist from doing.

The CHAIRMAN. It did not mention any particular thing?

Mr. JOHNSON. They all generalized, and as they all generalized, I reached the conclusion that they must have come from the same interest or from the same gathering of interests. I have never had but one person to come right out into the open and bring to me live information that I had been threatened with violence.

The CHAIRMAN. In what form was that information brought to you; verbally or in writing?

Mr. JOHNSON. Once verbally and another time in writing—in a sworn affidavit.

The CHAIRMAN. Have you that affidavit in your possession?

Mr. JOHNSON. I have.

The CHAIRMAN. Will you put that in evidence, please?

(Mr. Johnson produced the paper referred to.)

The CHAIRMAN. Under what circumstances did you get that, Mr. Johnson?

Mr. JOHNSON. On the 6th day of February, 1912, a man by the name of Spencer Roberts came to see me. I had met Spencer Roberts before. Mr. Roberts a few years ago was upon the police force of the city of Washington. He got into a difficulty, as the circumstances have been related to me, in making an arrest. I think he was arresting a nigger, and the nigger took his pistol away from him and, perhaps, used a knife on him. The circumstances I am not entirely familiar with. But for that the Commissioners of the District of Columbia retired him from the police force. A year or such a matter went by and the commissoners became satisfied by future developments that they had wronged the man. They reinstated him to the police force, and upon being reinstated he had to start at the foot of the list and forfeited the promotion to which he had been entitled. He came before the District Committee with a bill asking to be reinstated to the position which he had lost by the wrongful dismissal from the service. My recollection is that Mr. O'Shaunessy, then a member of the committee, took it up with special interest and the committee reported the bill favorably and it went to the House and passed the House; but what became of it I do not know that I now recall. But that is how I knew Mr. Roberts.

So, Mr. Roberts came to the committee room on the 6th day of February, 1912, and said that on the day before a man by the name of Sam Cornwall had been talking to him, and that in the conversation that Cornwall, who was then drinking somewhat, told him that he had followed me the three preceding nights for the purpose of killing me. I then had him go over to Speaker Clark's room with me, and over in Speaker Clark's room Mr. Roberts dictated this paper, signed it, and swore to it, and I turn it over to the committee.

The CHAIRMAN. Will you read it?

Mr. JOHNSON. There is some pretty rough language in it, and I see some ladies present. [Reading.]

My name is Spencer Roberts, of the Metropolitan police force. I live at 1122 Sixth Street NE., Washington, D. C.

While on an F Street car last Thursday, some time between 11 and 12 o'clock in the morning, I met a retired policeman by the name of Sam Cornwall. He got on the car going the same way. I got into conversation with him about my bill, and in that conversation he said that I would never get anything on account of that son-of-a-bitch Ben Johnson; that he (Johnson) was against everything. I told him that Johnson was not as bad a man as he was pictured; that I had known Mr. Johnson for a long time and that he was a square man. He said that he had followed Mr. Johnson for the last three nights and was going to get him, and that when he did get him he was going to get him right, and that he wouldn't be any more use in the House. He said that he didn't have anybody to look after, and that he would just as leave as not spend the rest of his days in prison to do it. He said that he didn't think that the au-

thorities would bother him or make any particular effort to handle him, and that when he did get him he was going to get him right.

I reported the matter to Sergt. Koucher, of the fourth precinct, my superior officer, and he said that by all means I ought to report the matter to Mr. Johnson.

The man is about 40 years old. He is about 5 feet 11, and weighs 230 or 240 pounds. He wore a dark suit of clothes and a dark derby hat. He is full build, dark complexion, and has black hair. I have known him about eight years. At times he is a pretty hard drinker. He had been drinking this time. He runs a pool room out on H Street now. I don't know the number.

The impression he made upon my mind was that he was going to sneak up on Mr. Johnson and attack him from behind. That was about the sum and substance of his talk.

SPENCER ROBERTS.

Subscribed and sworn to before me this 6th day of February, 1912.

[SEAL.] W. B. JOHNSON,
Notary Public, District of Columbia.

My commission expires June 16, 1916.

Mr. Johnson, I think, was employed in some way around the office of the Clerk of the House. A stenographer in Speaker Clark's room got the notary public to administer the oath to Mr. Spencer Roberts upon this occasion.

The CHAIRMAN. I will ask you if that affidavit has been in your possession or the possession of the Speaker since that time?

Mr. JOHNSON. Yes, sir. My recollection is that I took a copy and the Speaker took a copy.

The CHAIRMAN. Have you ever met Mr. Roberts since that time?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Did you ever hear anything more of it from him?

Mr. JOHNSON. Yes, sir. I asked him about it not long ago, and he said Cornwall repeated to him not a great while ago that he yet intended to do so.

The CHAIRMAN. I did not quite understand you; you say that he "had"?

Mr. JOHNSON. That he "yet intended to do so."

The CHAIRMAN. Did Roberts say anything about what Cornwall's particular grievance was?

Mr. JOHNSON. He did not know.

The CHAIRMAN. He did not know. Cornwall, I presume, had not told him?

Mr. JOHNSON. No. He said—I asked him that question and he said that Cornwall did not tell him his interest.

The CHAIRMAN. Have you ever seen this man Cornwall, to your knowledge?

Mr. JOHNSON. From a description of him, I am absolutely certain I have.

The CHAIRMAN. Frequently?

Mr. JOHNSON. No. I remember seeing him only once. This man Spencer Roberts made this affidavit on the 6th day of February, 1912. On the night of the 8th of February, which was the second night after the affidavit was made, I got on a car at the Capitol to go home. The days being February days, they were short. I got on the street car here after dark or about dark. I then lived at 1627 Sixteenth Street. My usual way of going home was to get on the car here, transfer opposite the Treasury Building to a Fourteenth Street car, ride up Fourteenth Street on that car to Corcoran Street, get off and walk

through that narrow street out to Sixteenth. My residence was then the second door from the corner of Corcoran, on Sixteenth. On the afternoon or evening just mentioned I got on the car out here and, as I was afterwards able to recall it, I sat down in either the second or third seat to the rear, on the right-hand side of the car. After getting on and riding a little way, I noticed a large, heavy-set, dark-complexioned fellow, so dark complexioned that he might be mistaken for a light-colored negro. This man was not just simply looking at me, but every time I caught his eye he was staring at me, and staring in a way that would make a man notice.

I rode on until we got opposite the Treasury Building, in front of Thompson's drug store, and I got off and this man got off. I got on a Fourteenth Street car and he got on. I went along, and when we got to Corcoran Street I got off and he got off, and I was taking very particular notice by that time. When the car stopped I stepped out first and hurriedly stepped across the street-car track in front of the car. The car then started up and this man was detained until the car passed. That put him a car length and something more behind me. I took the south side of Corcoran Street and went toward Sixteenth Street. I walked nearly to Fifteenth Street without his gaining on me perceptibly, although he gained some little; if there was any difference between our first positions, he had gained some.

As soon as we crossed Fifteenth Street, or while he was crossing Fifteenth Street, he quickened his pace, and soon began to gain on me. When I got down about halfway of the square, or before he got quite halfway of the square, he had gained very much on me, and was probably about 15 feet behind me. I walked out into the middle of the street. I had an overcoat and I had a .45-caliber automatic pistol, and I took that from a holster in which I had it and brought it up just under my coat, with my mind fully made up if he put his foot off the curbstone I was going to kill him. He walked up to the curb and started off, and I stopped and turned, with my pistol in the position I have just indicated. He then stepped back into the middle of the sidewalk, and I kept down the middle of the street, and he kept down the sidewalk. When I got nearly to Sixteenth Street, I turned north, or to the right, to get on the opposite pavement. He kept straight along the sidewalk until he intersected Sixteenth Street. I turned up Sixteenth in an opposite direction from him, and went in 1627, where I lived. He went down Sixteenth Street and disappeared. I went in and told my family what had occurred, and the next day, the second day after that, Roberts came in and told me of this occurrence.

The CHAIRMAN. From the description you have, you think that was the man?

Mr. JOHNSON. Yes; I am entirely satisfied of that in my own mind.

The newspapers said this morning—the Washington Post—that I had asked for a hearing here. You know, Mr. Chairman, that is not correct. You asked me to come, and they went further and said I had made statements yesterday which I did not make. I have borne all this in silence until this time, and I fully expected to do so until something that I did not know of might turn up. I had never sought to bring this part out at all, and even now do not desire to do so. There is no emergency in which I do not feel that I can take care of myself, and I am not seeking any safety or assistance in any way.

The CHAIRMAN. The matter was never called to the attention of the city authorities here?

Mr. JOHNSON. No.

The CHAIRMAN. Let me say this just here, Mr. Johnson, that I did not see that statement in the Post, at least I did not notice it. So far as that statement is concerned that is incorrect. They were entirely misinformed. I, as chairman of the committee, asked you to appear before the committee, and it was at my request, I presume, that you appeared. I asked you to appear and to give us the history of this legislation and these matters concerning which you have been asked.

Mr. JOHNSON. You asked me if I had ever made any report to any of the city authorities. Not in the way of a report have I done so. Upon one occasion District Attorney Wilson, not a great while after this occurred, was at my office, calling upon me as a member of the District Committee, for the purpose of having the Code of Laws for the District of Columbia amended in some respect, and while he was there I told him that there was a matter about which I wished to speak to him, if I could speak to him in confidence. He said very well, and I told him of this incident. He was insistent that I release him from confidence and he be permitted to go ahead and take it up and have this man prosecuted. I would not release him from the confidence, and got him to promise me he would not do so. I told him I would take care of it if he ever bothered me.

Upon another occasion Maj. Sylvester, the chief of police, was at my office upon some matter, I do not recall what now, and he indicated that he had heard of it, and offered to give me protection. I thanked him and told him I did not want any.

The CHAIRMAN. He had probably heard of it through these——

Mr. JOHNSON (interposing). I do not know how. He indicated he had heard something of the kind.

The CHAIRMAN. If he had heard of it he had probably heard of it through these officers.

Mr. JOHNSON. I did not ask him.

Mr. CLINE. Do you know whether the subject of that affidavit is still in the city and doing business?

Mr. JOHNSON. I do not know. Mr. Roberts also told me in another talk which I had with him, after he had made this affidavit, that Cornwall told him that he had his plans made to kill me one night as I was leaving the Democratic caucus—to kill me that night. We had had that caucus, which lasted well into the night, but I did not see this fellow that night at all. If I have ever seen him, except upon the one occasion I have referred to, I do not recall him, although I have been told that several times when the Committee on the District of Columbia had hearings that he was in the room, but that was before this incident. If he had ever shown up in there after that, I would have seen him and taken notice of him.

Mr. CLINE. Where did you say he got on the car?

Mr. JOHNSON. Here at the Capitol.

Mr. CLINE. On the same car you did?

Mr. JOHNSON. Yes, sir; on the same car I got on. I did not notice him. I know he was not in the car when I went in, because he was

behind me, and I may have passed him without knowing I was passing him, but before we got to the Peace Monument I noticed him staring at me.

The CHAIRMAN. Going back to these bills a moment, there were no public hearings on these bills before your committee?

Mr. JOHNSON. There was never a hearing. I prepared these amendments on a Sunday afternoon. At the very next meeting of the committee I put it up, and the bill was reported out that day, was authorized to be reported out at that time, and the next morning it was reported out, and then it was that interest was shown in it, and they came up here, and hearings were asked before the committee after the bill had left the committee.

The CHAIRMAN. Have you named all the people you remember who came to you personally about it, either the pawnbrokers or the loan men?

Mr. JOHNSON. Yes; I think I have.

The CHAIRMAN. Mr. Davis never discussed it with you?

Mr. JOHNSON. No. I never saw him until the day he was in this committee room, I think it was day before yesterday.

The CHAIRMAN. Of course the conferees——

Mr. JOHNSON (interposing). My recollection is that an attorney was with the pawnbrokers who brought me a copy of the brief, but it was not Mr. Davis. It was probably Mr. Tucker, although I do not recall Mr. Tucker. I would not know him if I were to see him.

The CHAIRMAN. Of course the conferees had no public hearings?

Mr. JOHNSON. Oh, no.

The CHAIRMAN. Do you happen to know whether there were any public hearings before the Senate committee?

Mr. JOHNSON. No; I do not know.

The CHAIRMAN. You do not know anything about that?

Mr. JOHNSON. No.

Mr. CLINE. Referring to the incident you have related when this man stepped out into the street between Fifteenth and Sixteenth Streets, the man whom you think was following you came to the curb, was there any conversation between you?

Mr. JOHNSON. No; there was not a word spoken; never a word.

Mr. STAFFORD. What did Maj. Sylvester say to you when he spoke to you about the incident?

Mr. JOHNSON. I do not think that I called Cornwall's name to Maj. Sylvester, and I do not think the circumstances were recited. In a general way he said that he had come over to see me; that he understood that I was being molested or pestered or was about to be assaulted, or something of that kind, I do not remember his exact language, and he had come over to offer me protection.

Mr. STAFFORD. Did he mention this Mr. Cornwall's name?

Mr. JOHNSON. I am not sure as to whether he did or not, but I do not think I did.

Mr. STAFFORD. Did he seem to know that you had been threatened with your life by such a person?

Mr. JOHNSON. I can not say that he knew that. He thought I had been bothered by somebody.

Upon another occasion one of the members of the detective force here—I do not know his name—came over to see me, and he, too—I do not remember now what he came about, but he and another

fellow on the force were together, and we were walking through the subway going to the Capitol, and he said to me that he had understood that I had been bothered, and that if I needed any of them, they would give me such protection as I wanted, but I told him I did not want any.

The CHAIRMAN. Did you ever meet this gentleman mentioned in the affidavit, Sergt. Koucher?

Mr. JOHNSON. No, sir; I only know of him by his name being mentioned in the conversation which related to that affidavit, and in the affidavit.

The CHAIRMAN. Of course, if you never knew him, you never talked to him.

Mr. JOHNSON. No, sir; I scarcely talked to anybody about it. Now and then I would say something about it. I spoke to Ollie James about it. One morning when my office over here was surrounded by six or eight fellows who were menacing me, and the office showed that papers had been taken and disturbed the night before, I called up the custodian of the building, Mr. Woolley, and talked to him about it, and while he was with me, Mr. Krock, of the Louisville Courier-Journal, and perhaps Mr. Lee Robinson, of the Louisville Evening Post, came in, and I mentioned some of these things to them in confidence.

The CHAIRMAN. This affidavit was made subsequent to the occasion when your office was broken into; was it before or after that?

Mr. JOHNSON. The office has been broken into so many times that I do not know whether this particular time was before or after that affidavit was made.

The CHAIRMAN. There was one time when there were some papers set on fire?

Mr. JOHNSON. Yes; that was on the 12th day of August, 1911.

The CHAIRMAN. That was before this affidavit?

Mr. JOHNSON. That was after the affidavit—no; it was 1912, the 12th of August, 1912. Yes; that is right, the 12th of August, 1912.

The CHAIRMAN. That was last year, about a year ago?

Mr. JOHNSON. Yes, sir.

Mr. FERRIS. Has there ever been any effort made to run down those letters and to find out who wrote them?

Mr. JOHNSON. No.

Mr. FERRIS. Is there any way in which the post-office inspectors could trace that up and find out who those people are? I am asking for information.

Mr. JOHNSON. I do not know.

Mr. FERRIS. Were they all in the same handwriting, all of them?

Mr. JOHNSON. No; they were different.

Mr. FERRIS. Typewritten?

Mr. JOHNSON. Some of them have been typewritten, but in the main they are written with pen and ink or with pencil.

Mr. FERRIS. All mailed here in Washington?

Mr. JOHNSON. Yes; all mailed here in Washington.

Mr. FERRIS. By Washington people. Would you object to giving us the nature of the threats that they made?

Mr. JOHNSON. Well, they were of one common tenure, and they were all something like this: If you know what is best for you, you will quit what you seem to be trying to do, without designating

just what it was; or sometimes they would say if you do not quit your present policies no good end will come to you. Something like that. But there was one feature of it which struck me, and that was that during the whole time, in all these letters, no particular thing was ever specified that I should desist from doing.

Mr. FERRIS. You do not know, other than this from Cornwall—you do not know whom the letters were from; any of them?

Mr. JOHNSON. No; I do not know.

Mr. FERRIS. Did you say one or two of them were signed?

Mr. JOHNSON. No; no one has ever been signed.

Mr. FERRIS. None has ever been signed. Did I understand you to say that they had not only broken into your office once, but a number of times?

Mr. JOHNSON. Oh, I would say a dozen times.

Mr. FERRIS. What damage did they do when they broke in?

Mr. JOHNSON. Well, the furniture was damaged, where they broke it open.

Mr. FERRIS. The file case?

Mr. JOHNSON. Yes; the file case was broken open. It was locked, but they broke it open. I could just—the only evidence that I would have of it would be the disarrangement of my papers, and sometimes papers were lost.

Mr. FERRIS. They carried some of them away?

Mr. JOHNSON. Yes.

Mr. FERRIS. How would they get into the door; force the lock?

Mr. JOHNSON. No; it was not necessary to force it. Every charwoman has a pass-key to every office, and I suppose it would be a very easy matter to get a duplicate from that. I took every precaution that I could, and I even went to the extent of taking in all the keys that anybody had to the office and kept only one for myself, and then instructed Mr. Woolley, the custodian, not to permit anybody to open one of those doors, even though it be the clerk of the committee or anybody else. That did not put a stop to it. Then I adopted the plan of putting fasteners or hooks on the windows. There is a ledge of masonry on the outside all around the building that anybody could get on and walk from one window to another—all around this floor. For a good long while now I have bolted all the doors on the inside except one, and I have put a Yale lock of my own on that, so that when I go out of that I bolt all the doors except that one, and that one has, in addition to the regular lock on it, the extra Yale lock, so that when that is pulled to that has the double lock on it, my private Yale lock and the regular lock on the door.

Mr. FERRIS. You have had no trouble since that?

Mr. JOHNSON. No; nobody has been in there since then. I would pick out a dozen letters and put them on the stick file on my desk, and then take a lead pencil and make a dot on the first one, and two dots on the second one, and three dots on the third one, and four dots on the fourth one, and go along with all of them, marking them in a way that would not be noticed, and when I would go back to the office the next morning those letters would not be in the order in which they had been left, as indicated by the pencil marking. The order of the letters would be broken, and sometimes some of them would be gone.

The CHAIRMAN. Were those letters and papers that you would miss have reference to District affairs here?

Mr. JOHNSON. No, they did not. I never left anything around relative to District affairs. When I got the engrossed copy of this loan-shark bill I locked it up in another place.

Mr. FERRIS. During what period have you suffered most in regard to this tampering with your mail?

Mr. JOHNSON. During the whole time I have been chairman of the committee, until the latter part of the last session of Congress, when I got the extra Yale lock and put it on.

Mr. FERRIS. Do you have a negro messenger with your committee?

Mr. JOHNSON. No; I have never had any negro about me.

Mr. CLINE. Did you say you received a lot of threatening letters and only two were signed?

Mr. JOHNSON. No; none of them was signed. The only two unsigned statements I have ever had were the two I got from this man Roberts.

The CHAIRMAN. You mean the only two signed?

Mr. JOHNSON. Only one is signed.

Mr. CLINE. You say the character of those letters was such as to lead you to believe they all came from the same source, practically?

Mr. JOHNSON. That was only indicated by the one main feature that ran through them all, referring in a general way to some act of mine, instead of to some specific act. It was apparent that there was a studied effort to avoid specifying any particular bill.

Mr. FERRIS. Have you had trouble over other bills except the loan-shark bill, such as bills relating to the opening of streets?

Mr. JOHNSON. No; not bothered much that way.

Mr. FERRIS. Not bothered much that way?

Mr. JOHNSON. No.

Mr. FERRIS. Have there ever been any bills over which there has been great controversy, and any great anger shown toward you?

Mr. JOHNSON. The two bills that were before the District Committee in the Sixty-second Congress in which most interest was taken were the liquor bill and the loan-shark bill.

Mr. FERRIS. Those were the two bills that have caused the most controversy and commotion?

Mr. JOHNSON. The most contention.

Mr. FERRIS. Have there been bills for the opening of streets, and other bills that real estate people were interested in?

Mr. JOHNSON. A great number of those. During the Sixty-second Congress, if I remember correctly, there were about 500 bills referred to the District Committee?

Mr. FERRIS. Was there ever any serious controversy with the real estate men?

Mr. JOHNSON. Yes; I had a very serious controversy with the real estate people over what is known as the real-consideration bill, and it was upon one of the hearings on the real-consideration bill that it was reported to me that this man Cornwall was present in the committee room.

Mr. FERRIS. They are the bills that have created the most interest——

Mr. JOHNSON. They are the two I have just mentioned.

Mr. FERRIS. The loan-shark bill; this real-consideration bill, which is a real estate bill, is it?

Mr. JOHNSON. Strictly. The real-consideration bill is this: There is a custom in the District of Columbia, grown to such an extent that about 95 per cent of all the deeds for real estate that are made recite a consideration of $10. Everybody, I think, agrees that it is a fraudulent scheme, that it works to the detriment of the assessor in undertaking his assessments, and I introduced the bill to compel the recital in every deed of the real consideration which was paid for the passing of title to real estate. That brought about a very great deal of discussion, and considerable ill feeling toward me.

Now, they had a meeting of real estate people down at the chamber of commerce or board of trade, I do not recall which, relative to the matter, and there were some speeches made, according to some reports I got from there and also according to the Washington papers. I have in my hand now a clipping from the Washington Herald of Friday, January 5, 1912. In this article, in quotation marks, is what purports to be a part of the remarks made by a man by the name of Warner—B. H. Warner, I think. He is quoted as having said in a speech there, "Such legislation would not be countenanced in any city of this size in the country," said Mr. Warner. "If such a law was proposed in any city like New York or Philadelphia, the person proposing it would be done bodily harm."

That is just one sample of the hostility that has been aroused here toward me, and I am frank to say that I believe that for the greater part of it the Washington Times is responsible. That paper has maliciously maligned me, without provocation for it; and whoever this man Cornwall may be, or whatever his motive may be, with what the Times has said, with the inflammatory articles that have appeared in the Times, it is surprising to me that those inflammatory articles have not really stirred up some crank out of the 350,000 people in the city here and made him do bodily harm to me. And if such a thing were to occur I would hold the Washington Times responsible for it, because of its malignant, malicious, dirty articles.

And I may say in this connection, and do not hesitate to say, that between the editor, the author of those articles, and a miserable scoundrel who sought to take my life by slipping up behind me, I would have more respect for that miserable creature than I have for the man who wrote those dirty articles.

Mr. CLINE. Mr. Johnson, were you able to determine in your own mind, from the character of this anonymous correspondence that you received, the source from which those letters came?

Mr. JOHNSON. No; I did not try.

Mr. CLINE. You did not associate it with any of the bills that you have referred to here?

Mr. JOHNSON. I would not be unjust enough to venture an opinion without knowing. I entertain a suspicion, but I do not think that I should express it, since it is only a suspicion.

Mr. CLINE. Well, I did not want to ask you to do that. I was simply asking you whether there was enough in that correspondence to enable you to determine in your own mind.

Mr. JOHNSON. No; there was but little in the correspondence. What opinions I have I have gotten not from the correspondence, but from what I have seen.

Mr. CLINE. So that your judgment is not based upon the correspondence itself?

Mr. JOHNSON. No; I do not pay any attention to anonymous communications.

Mr. FERRIS. If you will pardon me, Mr. Johnson, I would like to get just a word further. There went into effect a short time ago, as we are all aware, a new law with reference to Sunday closing, a restrictive form of handling the liquor traffic here in the city?

Mr. JOHNSON. Yes.

Mr. FERRIS. Do you attribute any of these anonymous letters or any of this hostility to you to that legislation?

Mr. JOHNSON. I do not.

Mr. FERRIS. You do not think any of it came from that?

Mr. JOHNSON. I do not.

The CHAIRMAN. That legislation, as a matter of fact, was not reported out of your committee?

Mr. JOHNSON. No; after the excise bill got to our committee I was never able to get a quorum of the committee as long as it was there.

The CHAIRMAN. That excise legislation was first put in the appropriation bill, was it not?

Mr. JOHNSON. The Senate attached that as a rider to the District appropriation bill.

The CHAIRMAN. And then it was modified in conference between the two bodies?

Mr. JOHNSON. So I understand; yes.

Mr. FERRIS. Well, are the saloon men here—the liquor dealers in Washington—hostile to that legislation?

Mr. JOHNSON. I really do not know.

Mr. FERRIS. You do not know?

Mr. JOHNSON. I take it that those who had to go out of business are hostile to it. The number is to be reduced to 300; so that would put about 200 of them out of business. I take it for granted that they do not like it.

Mr. FERRIS. That phase of it has not gone into effect as yet; as I assume, it does not go into effect until their license expires?

Mr. JOHNSON. No; it goes into effect as rapidly as their licenses do expire.

Mr. FERRIS. That is what I presumed; but I suppose they do not all go out of business at once, but just as they expire?

Mr. JOHNSON. Yes.

The CHAIRMAN. Speaking of the Washington Times a few minutes ago—the Washington Times and its attacks on you—just as a matter of history, I will ask you if in the last few months, to use a common expression, they have not "let up" to some extent on you?

Mr. JOHNSON. They have; and I do not know just how to account for it. I have not changed my plans any. [Laughter.]

Mr. STAFFORD. Referring to the activities of Mr. Horning in connection with the loan-shark bill, at the numerous interviews that he had with you, did he ever approach you on any other phase of it than the pawnbroker feature?

Mr. JOHNSON. No; I do not think he did.

Mr. STAFFORD. Do you recall anyone approaching you on any other feature than the pawnbroker amendment?

Mr. JOHNSON. No. After I had the talk with Mr. Cullen, to which I have referred, that feature of the bill just seemed to have died, absolutely; nobody took any interest in it, so far as I knew. Everybody conceded that that feature of it would become a law; and the only fight was made by the pawnbrokers.

Mr. STAFFORD. Are you acquainted with Mr. Herman Schulteis?

Mr. JOHNSON. No, sir; I am not. I have seen Mr. Schulteis a few times; and recently when we meet he bows to me and I bow to him, and I did not know until two or three days ago what his name was, until this investigation was going on.

Mr. STAFFORD. You do not know anything about his activities in connection with the defeat of that pawnbroker amendment?

Mr. JOHNSON. No; I never saw him in connection with it at all.

Mr. STAFFORD. Are you acquainted with Mr. Sullivan?

Mr. JOHNSON. No; I never heard of him until this investigation.

Mr. STAFFORD. Or Mr. Hart?

Mr. JOHNSON. Well, I think I have met Mr. Hart, but he never said anything to me about any pawnbrokers' bill. In fact, he never said anything to me about any legislation. I was introduced to him one day up in the corridor of the House—I forget by whom—and there was nothing said, except somebody said that he had been a lobbyist for John R. McLean's gas company and that he had been dismissed from that. Other than that I do not know him.

Mr. STAFFORD. Now, the only person representing himself to be connected with the Central Labor Union, or representing himself to be connected with the labor organizations, that took any part in this legislation was Mr. J. F. Ryan, as I understand?

Mr. JOHNSON. That is the only one that I recall.

Mr. STAFFORD. I mean P. J. Ryan.

Mr. JOHNSON. Mr. Ryan is the only one that I recall.

Mr. STAFFORD. That is all.

Mr. WILLIS. You never saw a Mr. Snelling in that same connection, did you, Mr. Johnson?

Mr. JOHNSON. Never heard of him until last night.

Mr. WILLIS. You spoke of certain brief conferences that you had with Mr. Burnstine and Mr. Horning. Now, I understand that those gentlemen called on you at your room?

Mr. JOHNSON. Yes.

Mr. WILLIS. There was no public hearing on this bill?

Mr. JOHNSON. No public hearing was ever had by the House District Committee on this bill in the Sixty-second Congress.

Mr. WILLIS. Did you ever hear that Mr. Ryan was calling on other Members of Congress with reference to this legislation?

Mr. JOHNSON. No; I never did.

The CHAIRMAN. Are there any other questions, gentlemen?

Mr. EASBY-SMITH. Mr. Chairman, may I ask Mr. Johnson some questions?

The CHAIRMAN. Yes.

Mr. EASBY-SMITH. Mr. Johnson, I just wanted to get a little more clearly and definitely one matter that you referred to, and that was the amending of this Dyer bill, whereby the pawnbrokers were brought into it. Do I understand you correctly that you were the author and originator of those amendments, and particularly that pawnbroker amendment?

Mr. JOHNSON. Yes, sir; there was no amendment offered to the pawnbrokers' bill in committee that I did not offer.

Mr. EASBY-SMITH. And do I also understand that you prepared that amendment and it was passed upon by the District Committee a few days after you prepared it?

Mr. JOHNSON. Yes. These amendments were prepared by me at the Cochran Hotel, in my room there, on Sunday afternoon. At the next meeting of the District Committee I brought up the bill and got these amendments put on, and a favorable report was made.

Mr. EASBY-SMITH. Was that a few days afterwards?

Mr. JOHNSON. Yes; within a few days afterwards.

Mr. EASBY-SMITH. So far as you know, had there been any mention of such an amendment prior to that?

Mr. JOHNSON. No; I had not mentioned it to anybody and nobody had mentioned it to me.

Mr. EASBY-SMITH. And it was never heard of until you presented it to the committee?

Mr. JOHNSON. Well, in so far as I know, it was not.

Mr. EASBY-SMITH. I believe that Mr. Dyer was authorized to report the bill on August 1, 1911, and did report it on August 2, 1911?

Mr. JOHNSON. That is correct.

Mr. EASBY-SMITH. Then, this amendment was prepared by you, without any previous discussion, late in July, 1911?

Mr. JOHNSON. Yes.

Mr. EASBY-SMITH. And it passed the House on the 12th of February, 1912?

Mr. JOHNSON. Yes.

Mr. EASBY-SMITH. So that, so far as any such amendment, or any such proposition having been before the House, or before your committee in April, 1911, or at any time prior to July, 1911, that is not true?

Mr. JOHNSON. No.

Mr. EASBY-SMITH. And it was not before your committee in any manner after it passed the House on the 12th of February, 1912, except in so far as you, Mr. Adair, and Mr. Dyer were the conferees?

Mr. JOHNSON. That is correct, but the pawnbrokers were continually running there about it, just the same.

Mr. EASBY-SMITH. Until it finally became a law?

Mr. JOHNSON. Yes.

Mr. EASBY-SMITH. Of course, you are acquainted with Representative McDermott, Mr. Johnson?

Mr. JOHNSON. Yes.

Mr. EASBY-SMITH. I believe he came to Congress the same time that you did?

Mr. JOHNSON. He came at the same time.

Mr. EASBY-SMITH. Did Mr. McDermott ever speak to you concerning any feature of this loan-shark bill?

Mr. JOHNSON. No; he never did.

Mr. EASBY-SMITH. Have you any knowledge of his ever having spoken to any member of the District Committee concerning it?

Mr. JOHNSON. I have not.

Mr. EASBY-SMITH. Or to any Member of Congress concerning it?

Mr. JOHNSON. I have not.

Mr. EASBY-SMITH. Or to any Senator?

Mr. JOHNSON. I have not.

Mr. EASBY-SMITH. Before this investigation was begun, had you ever heard that Mr. McDermott had in any manner interested himself in this bill?

Mr. JOHNSON. I had not.

Mr. EASBY-SMITH. You knew, during the pendency of this bill, that organized labor, as such, was in favor of eliminating the pawnbrokers?

Mr. JOHNSON. No; I never heard that. I believe that this particular man, representing himself as the champion of organized labor, was interesting himself.

Mr. EASBY-SMITH. Well, to that extent, you had that information?

Mr. JOHNSON. Yes.

Mr. EASBY-SMITH. But you had no further information as to the attitude of organized labor?

Mr. JOHNSON. No; I believed that he was misrepresenting the very people that he was claiming to represent; and I still believe that.

Mr. EASBY-SMITH. That is all, Mr. Chairman.

Mr. NOLAN. Now, Mr. Johnson, there is just one question I desire to ask. Mr. Easby-Smith has used the term "organized labor" here; and it might be inferred from that that he meant the organized-labor movement of the country; he did not differentiate between the small central labor organization in this city, and the big labor movement in the country at large. Whom did this man Ryan claim to represent?

Mr. JOHNSON. I really could not tell you. I would not be able to carry that in my mind this long. But he was representing a labor organization, is the way he put it to me.

Mr. NOLAN. But not "organized labor"?

Mr. JOHNSON. Well, I see your distinction, which I had not noticed before.

Mr. NOLAN. Yes; he did not claim to represent the American Federation of Labor?

Mr. JOHNSON. No; he spoke more particularly to the effect that he was concerned for those who painted the houses of the pawnbrokers.

Mr. NOLAN. In other words, he was willing to swap?

Mr. EASBY-SMITH. Mr. Chairman, I want to accept Mr. Nolan's differentiation. I meant my question simply to relate to the attitude of the Central Labor Union of this city or the labor organizations in the District of Columbia.

The CHAIRMAN. And not to the general organizations?

Mr. EASBY-SMITH. And not to the organization of labor at large or the American Federation of Labor.

Mr. JOHNSON. Now, Mr. Chairman, I did go to some pains—in fact, to very considerable pains—to keep this bill where I thought nobody would get it, and where it would not get away, and the original engrossed bill I still have in a large manila envelope, and it is possible, although I have not looked for a good long while, that there is a communication in there from Mr. Ryan relative to it. If you wish me, I will go and look to see whether there is or not.

Mr. STAFFORD. You said that this bill and the liquor-excise bill were the two most——

Mr. JOHNSON (interposing). And the real-consideration bill; they were the three.

Mr. STAFFORD. And the real-consideration bill, you say were the most bitterly contested in the last Congress?

Mr. JOHNSON. Yes; they were.

Mr. STAFFORD. What is the basis of your opinion that the loan-shark bill was bitterly contested?

Mr. JOHNSON. Well, I could see Mr. Horning, particularly, frequently, and sometimes Mr. Heidenheimer. I do not recall seeing Mr. Burnstine over at my office while this piece of legislation was on more than once, perhaps twice. But I would see Mr. Horning very frequently indeed running about the corridors of the House Office Building, and sometimes when we were having hearings upon other subjects—I remember two or three occasions that I would see him, and other fellows with him, on the stairway opposite my door, from that point [indicating] looking into the committee room and observing from there.

Mr. STAFFORD. Looking into your committee room?

Mr. JOHNSON. Yes; into the House District Committee room; and upon one occasion I remember that I took interest enough to walk out there to see if I could see why they were so persistently hanging about, and when I walked out they went on up the steps. And then I could see a good deal in the newspapers about it, and they were—there was a general complaint that they were not given a hearing, even though the bill was no longer before the committee, and every little while Mr. Ryan or Mr. Foster or Mr. Horning or Mr. Heidenheimer or somebody would send up, insisting that the pawnbrokers be taken out of the bill, and that I either use my efforts to have it done or that I acquiesce—I believe that was it—in so far as I was appealed to in the latter part of the fight, it was that I acquiesce, it being generally stated that if I would acquiesce in the matter the pawnbrokers would get out of the bill.

Mr. STAFFORD. I do not understand your last statement about your acquiescing.

Mr. JOHNSON. That if I consented for them to get out of the bill they would get out of it.

Mr. STAFFORD. I see: and they claimed that you were the one person who was keeping the pawnbroker amendment in conference?

Mr. JOHNSON. That is what I understand. And the Sergeant at Arms said the other day that when he went over across the river to serve the subpœna upon Mr. Horning to come before this committee and testify, as they came along back to Washington in an automobile Mr. Horning said there never was anybody who wanted the pawnbrokers included in the bill except Ben Johnson.

Mr. STAFFORD. Now, how often, if you can recall, was it that you saw Mr. Horning about the corridors of the Office Building or the corridors of the Capitol?

Mr. JOHNSON. I would say 15 to 25 times.

Mr. STAFFORD. And during what periods of the pendency of this bill was it?

Mr. JOHNSON. Well, he was very active around this end of the Capitol, not only as long as the bill was before the House but some time afterwards, and then frequently I saw him over at the other end of the Capitol.

Mr. STAFFORD. Have you ever seen him talking to any Representatives about the bill?

Mr. JOHNSON. No; I never have. He seemed to have a crowd of his own around him that he was talking to.

The CHAIRMAN. You spoke of a letter from Mr. Ryan.

Mr. JOHNSON. Now, I am not sure that I have a letter from Mr. Ryan, but I think I have.

The CHAIRMAN. Well, have you any idea of what its substance is? I am trying to get at whether it is important enough to have it go into the record.

Mr. JOHNSON. If I recollect it, it is in favor of taking the pawnbrokers out of the bill. I know that he came in person and urged that upon me, and I am of the opinion that I got a letter from him, but I will not be certain about it; I think I can go and find it in a short while.

The CHAIRMAN. Do the members of the committee think there is any necessity for asking Mr. Johnson to try to find that letter?

Mr. CLINE. I should not think so.

Mr. WILLIS. I do not think it is material.

Mr. FERRIS. In response to a question that Mr. Easby-Smith asked you a moment ago, Mr. Johnson, you said, I think, in substance, that there was nothing before the committee with reference to loan-shark and pawnbroker legislation that was being considered, or pending, until about August 2, 1911, when the bill was reported—or, rather, a short time before that; do I understand you correctly about that?

Mr. JOHNSON. Yes; the committee had not been active about it.

Mr. FERRIS. You did not mean to say by that that there were not other bills pending?

Mr. JOHNSON. Oh, no; but the activities in relation to them had not commenced.

Mr. FERRIS. To refresh your memory, I will ask you to examine this bill and say whether it is a bill introduced by Mr. Samuel W. Smith on August 4, 1911, which specifically includes pawnbrokers [handing paper to witness].

Mr. JOHNSON (examining paper). This is House bill No. 1211, introduced by Samuel W. Smith, of Michigan.

Mr. FERRIS. The title of the bill says the pawnbrokers are included in it, I think.

Mr. JOHNSON. No; this exempts the pawnbrokers. The title of this bill is—

A bill to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real estate brokers in the District of Columbia.

Mr. FERRIS. Well, then, I see I was mistaken; in the first glance at that I thought they were included. I looked at it hurriedly. They were active, even prior to the time the bill was considered, were they not—the pawnbrokers and the note brokers, around the committee?

Mr. JOHNSON. No; I do not think there was any activity in regard to it until the bill was reported out of our committee.

Mr. FERRIS. You did not see much of them prior to that time?

Mr. JOHNSON. No; the only person that I recall seeing prior to that was Mr. Cullen, and he agreed with me that there was no chance for the bill to meet any other fate except to pass.

Mr. FERRIS. The note brokers were not opposing it either, prior to that time?

Mr. JOHNSON. Well, as I understand it, he would have opposed it if he had had any hope.

Mr. FERRIS. I understand. But, other than Mr. Cullen, you did not see anybody else?

Mr. JOHNSON. I do not recall seeing anybody else.

Mr. FERRIS. When there was a note brokers' bill pending before your committee?

Mr. JOHNSON. The note brokers, as you distinguish them from the pawnbrokers, were not active at all, so far as I knew.

Mr. RUSSELL. You have heard Mr. Horning testify here yesterday that on the 10th or 11th of April he went to New York to organize a fight for this purpose, did you not?

Mr. JOHNSON. Yes; I did.

Mr. RUSSELL. That is all.

The CHAIRMAN. Mr. Johnson, we thank you for your attendance, and you will be excused. The committee will take a recess until 2.30 o'clock p. m.

(Whereupon, at 1.12 p. m., the committee took a recess until 2.30 p. m.)

AFTER RECESS.

At the expiration of the recess the committee reassempled.

The CHAIRMAN. Mr. Emery, I understood you desired to make a correction of the record. Will you just call attention to it now, please, so the reporter can get it?

(Mr. Emery called attention to letter H. R. 103, as it appears in the confidential print of the Emery correspondence by the House committee, and as it was put in evidence before the House committee on page 159 of the printed hearings. Mr. Emery states the latter should read as follows:)

JUNE 28, 1907.

Mr. S. B. TANNER,
President American Cotton Manufacturers' Association,
Caroleen, N. C.

MY DEAR SIR: Closer cooperation among the various organizations of employers and citizens would be of immeasurable value to all. There is nothing new in this thought. It has been expressed many times, and in many forms, but it has never taken definite shape.

There has been a great amount of cooperation between many of the national organizations in Washington work in the handling of eight-hour, anti-injunction, and other legislation. There has been cooperation in other directions also, but it has been more or less haphazard and not worthy of the great interests which our organizations represent. We can not expect to work to the greatest efficiency and to accomplish the best results possible unless we assist each other more systematically and more definitely than we have in the past.

Accomplishments might be worked out by a central committee which are too great to be undertaken by any one association or by us all acting without coordination and independently.

All this has been discussed informally with the officers of the various large organizations, and it was decided to establish a council, in which the various national and State organizations might deal jointly with many of the objects they have in common. Such a council is not in any way to affect the independence of purpose and action of any existing organization, but is simply to give to each the advice and experience of all, and to all the power, convenience, and economy of effort and expense that would follow saving of reduplication of effort and expenditure of each

It seems to me of the greatest importance that some definite understanding should be reached among all organizations interested in this movement at the earliest possible moment. Congress will again be in session in a short time, and it is more essential than ever to give the most careful attention to Federal and State legislation. The National Association of Manufacturers proposes to give the same earnest effort to this subject and contribute financially, if necessary, even more generously than in the past, but it is perfectly evident that with complete and harmonious cooperation with the other great organizations very much better results can be attained, with the same or less total expenditure of time and energy, in the furtherance of sound legislation and in opposition to the many measures which have been successfully opposed in the past, and which are sure to come up again in future; measures that cover issues larger than parties and creeds, and which go down to the fundamental principles upon which representative government and civilized society are based.

In addition to legislative work there are other directions in which greater success can be secured by more systematic cooperation. There should be a carefully organized legal department, which will do all the work of the council, advise local organizations, assist interstate business organizations in the prosecution in every part of the country of labor organizations which violate interstate and antitrust acts, carry on prosecution of every case of lawlessness during strikes, the proper prosecution of attempted boycotts, of assault, and intimidation, and a careful compilation and distribution of all work handled by the legal department.

In addition, there is need of close cooperation in the direction of publicity and education. Occasional pamphlets are being printed now for limited circulation, and there has been some praiseworthy effort on the part of associations and individuals to educate the people generally, but there is not enough of it to offset even in a small measure the wonderful amount of information being disseminated by the remarkably competent press bureaus of labor organizations. These organizations are recognized by those of us who have looked into them as far more capable and efficient in some respects than we are, because of their having more complete organization.

Remember that Horace Greeley said, "The way to resume is to resume," and I believe that the way to start this council is to start it. We must at once decide upon proper representation in Washington and choose the man or men best qualified for this most important work. We should also take up the other propositions without delay.

This proposition is receiving at this time the careful consideration of 12 national organizations and 4 State associations. What is your idea? Can you and will you take this up for prompt action with the executive committee of your organization? In order that no time may be lost, I suggest that definite action be taken on the following points by your organization:

First. Do you approve of the plan of federation of associations—that is, cooperation for the common advancement of the interests of all with perfect independence preserved in each?

Second. Does my outline of the directions in which the council should do effective work, namely, in the direction of legislation, legal work, and educational work, find your approval, and if not, which points, in your opinion, could be covered to better advantage by concerted action such as is contemplated in this council than by the individual action of your organization?

Third. Will you appoint a committee of three with power to act, to represent your organization in a council consisting of three representatives of each federated organization, and can this be done with the least possible delay, so that a meeting of the council can be called at a very early date?

Trusting I shall be honored by your early reply, I am,

Very truly, yours,

——— ———, *President.*

The CHAIRMAN. It had been expected that Mr. Henry E. Davis would appear at this time and take the stand, but, according to information which has come to the chairman, Mr. Davis did not seem to understand that he was to appear except upon notification. He has not been notified, and consequently we will have to pass Mr. Davis until to-morrow and take up some other witness. Is Mr Chew in the room?

TESTIMONY OF MR. NOLAN L. CHEW.

(The witness was duly sworn by the chairman.)

Mr. STAFFORD. Give your full name and address.

Mr. CHEW. Nolan L. Chew.

Mr. STAFFORD. And your residence and business address.

Mr. CHEW. Washington, D. C.; note broker.

Mr. STAFFORD. Where are you conducting the business?

Mr. CHEW. 704 Thirteenth Street.

Mr. STAFFORD. Are you in partnership with any person under any firm name?

Mr. CHEW. Yes, sir.

Mr. STAFFORD. State the name.

Mr. CHEW. Fred S. Smith.

Mr. STAFFORD. Is Mr. Smith active in the business?

Mr. CHEW. He is not.

Mr. STAFFORD. You are the active man?

Mr. CHEW. Yes, sir.

Mr. STAFFORD. You are in partnership?

Mr. CHEW. Yes, sir.

Mr. STAFFORD. How long have you been connected with the business?

Mr. CHEW. Seven years, I believe, the 11th day of April.

Mr. STAFFORD. Are you one of the originators of the firm?

Mr. CHEW. Yes, sir.

Mr. STAFFORD. Prior to that time where were you employed?

Mr. CHEW. I was with the Society for Savings.

Mr. STAFFORD. What business has this firm of Fred Smith been engaged in during the last seven years?

Mr. CHEW. You mean N. L. Chew & Co.?

Mr. STAFFORD. I understood the name of the firm to be Fred S. Smith.

Mr. CHEW. The company is N. L. Chew & Co. He is the partner.

Mr. STAFFORD. What business has the firm of N. L. Chew & Co. been engaged in?

Mr. CHEW. In buying notes.

Mr. STAFFORD. Here in the city of Washington.

Mr. CHEW. Yes, sir.

Mr. STAFFORD. Are you still so engaged?

Mr. CHEW. No, sir; not at present. We are not buying any notes.

Mr. STAFFORD. What is your present business?

Mr. CHEW. Collecting our money in.

Mr. STAFFORD. Since the loan-shark bill, so called, went into effect?

Mr. CHEW. Yes, sir.

Mr. STAFFORD. Were you approached at any time during the pendency of that bill in Congress for contributions?

Mr. CHEW. Yes, sir; in the latter part of March or first of April, 1911.

Mr. STAFFORD. By whom were you approached?

Mr. CHEW. Mr. Horning.

Mr. STAFFORD. How do you associate the date?

Mr. CHEW. I know it was directly after the preceding Congress had adjourned, and there had been a call for a new Congress.

Mr. STAFFORD. Was Mr. Horning alone when he called upon you?
Mr. CHEW. Yes, sir.
Mr. STAFFORD. Did he call upon you more than once for funds?
Mr. CHEW. I think only once.
Mr. STAFFORD. What did he say to you on that occasion?
Mr. CHEW. He wanted to know whether I wanted to contribute or not, and I told him I did not.
Mr. STAFFORD. Contribute to what and for what purpose?
Mr. CHEW. For a fund, he said, to employ counsel and to conduct an educational campaign.
Mr. STAFFORD. Was that all he said?
Mr. CHEW. That was all.
Mr. STAFFORD. What answer did you give him?
Mr. CHEW. I told him I did not care to contribute, that what I did would be through a league that five companies of us composed, called the League of Remedial Loan Companies. There are five companies in that league.
Mr. STAFFORD. Give the names of those five companies.
Mr. CHEW. The Mercantile, the Provident, the Federal, and the Home, and N. L. Chew & Co.
Mr. STAFFORD. What was the purpose of that league?
Mr. CHEW. We were low-rate companies that loaned money, not on security of any kind—in other words, we did not take a pledge or chattel mortgage.
Mr. STAFFORD. Was that a voluntary association?
Mr. CHEW. Yes, sir.
Mr. STAFFORD. Composed of these various companies?
Mr. CHEW. Composed of these various companies.
Mr. STAFFORD. Were you ever approached by any other person to contribute to a fund seeking the amendment or defeat or advancement of this legislation?
Mr. CHEW. No.
Mr. STAFFORD. Did your league ever take any part in securing either the enactment or the defeat of this special legislation?
Mr. CHEW. We did not, only individually.
Mr. STAFFORD. When you say "individually," what do you mean by that?
Mr. CHEW. I mean the individual members.
Mr. STAFFORD. What did you do?
Mr. CHEW. Why, we simply—I think I only visited one Member of Congress, Mr. Adair. He was on the committee—he is from my State, and I simply went to him and asked him to give us the privilege of a hearing before the committee when the District Committee held a hearing on the Dyer bill.
Mr. STAFFORD. When was that?
Mr. CHEW. Well, it was some time in April, I think, 1911.
Mr. STAFFORD. Did you appear before that committee?
Mr. CHEW. I did not; we never had an invitation.
Mr. STAFFORD. Do you know whether there was a hearing or not?
Mr. CHEW. There was no hearing.
Mr. STAFFORD. Did you ever see any other Representative or Mr. Adair after that occasion?
Mr. CHEW. I did not.

Mr. STAFFORD. Has your league at any time had any fund in any bank to be used for the purposes of the league?

Mr. CHEW. No, sir.

Mr. STAFFORD. Did your league ever raise any money themselves for the purpose of affecting this legislation?

Mr. CHEW. I think we raised $80 to pay for printing a pamphlet in answer to Senator Pomerene's speech in the Senate, where he charged Mr. Leonard—Mr. Leonard, the president of our league, was named in person in that speech.

Mr. STAFFORD. Who prepared the reply?

Mr. CHEW. Mr. Leonard did.

Mr. STAFFORD. Who had charge of the collection of that $80?

Mr. CHEW. I think the secretary of the league, Mr. Cullen.

Mr. STAFFORD. Do you know Mr. Cullen's initials?

Mr. CHEW. J. P.

Mr. STAFFORD. Is he connected with any one of these loan-broking establishments of the Remedial League?

Mr. CHEW. With the Provident.

Mr. STAFFORD. What position does he occupy with that?

Mr. CHEW. I think he is the manager.

Mr. STAFFORD. Was he your representative or a representative of the Remedial League so far as this legislation was concerned?

Mr. CHEW. No, sir; there was not anybody, any particular one, as the representative. Mr. Leonard was the president.

Mr. STAFFORD. Has your league held frequent meetings to consider this legislation?

Mr. CHEW. We had a few meetings; yes, sir.

Mr. STAFFORD. Have you ever talked with any person outside of Members of Congress concerning the progress of this bill during its pendency in Congress?

Mr. CHEW. Not to my recollection.

Mr. STAFFORD. Have you heard of any funds being deposited in any bank or otherwise to thwart the passage of this legislation?

Mr. CHEW. No, sir; I have not.

Mr. STAFFORD. After the House passed the amendment reducing the rate of interest to 1 per cent a month, did your league take any active part in trying to restore the rate to 2 per cent a month?

Mr. CHEW. No, sir; I don't think they did. If there was any, it did not come to my knowledge.

Mr. STAFFORD. What was the difference between your league, or the members of your league, and the other note brokers, so far as the rate of interest that is charged or the manner of doing business in the discounting or shaving of notes was concerned?

Mr. CHEW. Some brokers—this is only hearsay; I don't know; it is from what I have heard from other people. We were what they called low-rate people. We charged from 2 to 3 per cent a month and not in excess of that. We had no security of any description; we simply took a plain note, and sometimes they had an indorser and sometimes they did not. Some of these other companies took a chattel mortgage or an assignment of salary.

Mr. STAFFORD. Mr. Horning testified here yesterday, and when quizzed by one member of the committee as to whether or not he had ever approached you he stated substantially that he had, and that you

stated in reply that you would have to consult with your partner as to whether you would contribute or not. Is that the fact or not?

Mr. CHEW. I told Mr. Horning that so far as I was concerned I did not think there was any use to go any further with it, but I would talk to Mr. Leonard and my partner about it.

Mr. STAFFORD. Did Mr. Horning state how much money he was trying to raise to defeat this legislation at that time or any other time?

Mr. CHEW. No, sir; he did not.

Mr. STAFFORD. Did he try to prevail upon you and show you the reason why you should join in this fund?

Mr. CHEW. No. When I gave Mr. Horning my answer—I have not seen him or spoken to him since that time—I have seen him but I have not spoken to him.

Mr. STAFFORD. I am to understand that you did not, nor so far as you know, any of the representatives of the league, take any part whatsoever, except so far as you have indicated, in trying to defeat or further the enactment of this legislation?

Mr. CHEW. No, sir; I don't think they did.

The CHAIRMAN. My recollection is that Mr. Horning stated—I may be in error about this—that when he called upon your firm or upon you, you replied to him in substance that your firm had a different interest, was contributing to a different interest, or something of that kind.

Mr. CHEW. The different interest was this Remedial League. That is, if we were going to do anything, if we were going to employ counsel—we had not made up our minds what we would do; Congress had just convened, and the bill, as I remember, had not been introduced as yet. If any one of us did anything we were going to do it through the league. If we employed counsel, the league would employ the counsel. That is what I meant when I said that if I contributed anything it would be in another way.

Mr. STAFFORD. Did Mr. Horning advance any reason for his activities in soliciting a fund long prior to the time of the introduction of any bill that would affect your interests?

Mr. CHEW. I don't remember; I don't think he did. He simply asked me would I contribute to a fund to employ counsel.

Mr. STAFFORD. Had you ever before been called upon to contribute to a fund to defeat any other legislation of the same character?

Mr. CHEW. No, sir; I had not.

Mr. STAFFORD. What position does Mr. Horning occupy so far as his fraternity is concerned?

Mr. CHEW. That is a question I could not answer. I am not acquainted with Mr. Horning directly. I don't think I had ever met him prior to March, 1911.

Mr. STAFFORD. His testimony shows that he had full charge of the collection of this fund on the part of certain members or note brokers——

Mr. CHEW. Just to be frank, they did not consider we were hardly in the same class they were in. We were low-rate men——

Mr. STAFFORD. And they were high-rate men?

Mr. CHEW. They were high-rate men.

Mr. STAFFORD. They were more interested in the defeat of the legislation than you were?

Mr. CHEW. We would like the legislation if they would give us a decent bill. That was our position.

Mr. STAFFORD. It was only a question of the rate of interest?

Mr. CHEW. A question of the rate of interest and a few minor provisions in the bill as to the bookkeeping and one thing or other.

Mr. RUSSELL. Did Mr. Horning at that time say anything about his intention to also fight the pawnbrokers' bill?

Mr. CHEW. No, sir; I don't remember. It has been two years and a half ago, and I only had two conversations with him.

Mr. STAFFORD. I will read you the answer of Mr. Horning to a question put him by Mr. Ferris, the queries just before being as follows:

Mr. FERRIS. What did he say?
Mr. HORNING. That he was in with the other interests.
Mr. FERRIS. Who were the other interests?
Mr. HORNING. I do not know. He told me something about he would like to do it personally, but his partner wanted to be in with the other interests.

Mr. CHEW. That is the Remedial League.

Mr. STAFFORD. Did you make any such reference, that you personally would be willing to contribute but your partner and others would be opposed to joining with Mr. Horning?

Mr. CHEW. No, sir; I did not make such a statement.

Mr. STAFFORD. You are very positive that this was shortly after the expiration of the old Congress that Mr. Horning called upon you?

Mr. CHEW. It was the latter part of March or the first of April, 1911.

Mr. STAFFORD. You are positive of that?

Mr. CHEW. I am positive of that.

The CHAIRMAN. Mr. Chew, do you know anything about any fund being raised at all in connection with that legislation?

Mr. CHEW. I have no information at all.

The CHAIRMAN. Did you hear anything about it at that time?

Mr. CHEW. Never, any more than what Mr. Horning said when he approached me. He said that they were going to raise a fund. He did not say who or anything about it.

The CHAIRMAN. Did anyone approach you except Mr. Horning?

Mr. CHEW. No, sir; no one else ever approached me.

Mr. WILLIS. Are you positive about the date when Mr. Horning called upon you, Mr. Chew?

Mr. CHEW. Well, I am quite sure it was along—either the latter part of March or in April.

Mr. WILLIS. Of what year?

Mr. CHEW. 1911.

Mr. WILLIS. You spoke of five companies constituting this Remedial Loan Co. I was wondering how this fund you raised was contributed—by these companies as companies, or was it raised by individual contributions?

Mr. CHEW. No, sir; it was raised by the companies. These four of us paid $20 apiece, and that made $80.

Mr. WILLIS. There were five of them, I understood.

Mr. CHEW. Well, one of them probably quit business; one did not contribute. The home did not contribute.

Mr. WILLIS. You are positive that is the only fund the Remedial Loan League raised?

Mr. CHEW. Absolutely.

Mr. WILLIS. Did you never hear anything of any contribution to any campaign fund for any purpose?

Mr. CHEW. This league? No, sir; I would have heard of it.

Mr. WILLIS. You know there was no such contribution?

Mr. CHEW. Not by our league. I don't know what Mr. Horning did.

Mr. WILLIS. I am asking about your own league.

Mr. CHEW. No, sir; we absolutely did not.

Mr. WILLIS. You said you called upon a Member of Congress. Did the other members in this Remedial League do likewise, do you know?

Mr. CHEW. I think Mr. Leonard and Mr. Cullen both did. I don't know who they called upon. I only called with Mr. Leonard upon Mr. Adair, and I called on Mr. Adair because he is from Indiana and I am from Indiana.

Mr. WILLIS. But you do know Mr. Horning was collecting a fund for the purpose of defeating this legislation as early as April, 1911?

Mr. CHEW. Only hearsay.

Mr. WILLIS. But that is when he called upon you to contribute?

Mr. CHEW. Yes, sir.

Mr. WILLIS. And he said he was raising a fund?

Mr. CHEW. He said to employ counsel and to conduct an educational campaign. I don't know who he was going to educate or anything about it.

Mr. WILLIS. He did not state how much he was going to collect for that purpose?

Mr. CHEW. He did not, or who he was going to collect it from.

Mr. STAFFORD. When did you or any of your representatives, as far as you know, become acquainted with the fact that there was no further use in trying to defeat this bill, so far as the note brokers were concerned?

Mr. CHEW. I could not tell you the time, but I think—this is what Mr. Leonard told me. Mr. Leonard said he had called upon Mr. Johnson, I believe, chairman of the District Committee, and Mr. Johnson told him there was no use to employ counsel. We accepted the advice and did not employ counsel.

Mr. STAFFORD. How early in the proceedings was that?

Mr. CHEW. I don't know; that is a matter that you would have to ask Mr. Leonard about. I don't know.

Mr. STAFFORD. Even before the bill had passed the House, was it not?

Mr. CHEW. I think it was. I am not sure about that now.

Mr. FERRIS. George Horning told you he was raising this money for educational purposes?

Mr. CHEW. He said, to employ counsel and for educational purposes.

Mr. FERRIS. Have you since learned whom he educated with that money?

Mr. CHEW. I have not.

Mr. FERRIS. He gave those fellows who contributed that $11,000 some education, didn't he?

Mr. CHEW. I don't know.
Mr. STAFFORD. You may be excused.
The CHAIRMAN. Mr. Johnson desires to make a further statement.

TESTIMONY OF HON. BEN JOHNSON, A MEMBER OF CONGRESS FROM THE STATE OF KENTUCKY—Continued.

Mr. JOHNSON. Mr. Chairman, there is one incident that I related to you when you asked me about this loan-shark bill that I overlooked to-day in my testimony—forgot it entirely. I did not think of it until afterwards, and it was this: Just as a rumor, I heard that a large sum of money was being collected to be used to defeat, as I got it then, the loan-shark bill. I knew Mr. Cullen, as I told before noon, and I believed that he would tell me the truth about it, and I telephoned and asked him to come over to the District office; and he came.

The CHAIRMAN. The office of the District Committee?

Mr. JOHNSON. Yes. Without telling him what I wanted, I asked him to give me the name of the principal pawnbroker in town. He told me that he thought a man by the name of George Horning was. I asked him if he knew him, and he said he did. I then requested that he telephone to Mr. Horning and ask him to come to the committee room. He telephoned down to Mr. Horning's place of business, and there they told him that Mr. Horning was in New York. I then asked Mr. Cullen to give me the name of the next man of importance among the pawnbrokers, that I wanted to talk with somebody who was prominent in the pawnbroker circles. After thinking the matter over he said: "I do not know what you want, but I would suggest that in the absence of Mr. Horning you talk to Mr. Brown, who is an attorney for the pawnbrokers." I am not sure of Mr. Brown's initials, but I just venture to state that his initials are O. P. He telephoned and got Mr. Brown to come over. Mr. Brown and Mr. Cullen were then in the office of the District of Columbia Committee. I asked them to go with me, and they walkel along with me, and I took them to Speaker Clark's room, and until I got there they did not know what I wanted; and I then said that I had understood, without being able to have any real proof of the matter at all, that a large sum of money was being raised to defeat the pawnbrokers' bill—or the loan-shark bill, rather, is the way I put it—and that I wanted to serve notice on them that if I should at any time find out that they had raised a sum of money and had used it for any kind of illegal purpose, and if I could get them in the penitentiary for so doing, I would certainly do it. Mr. Cullen, speaking for himself and those he knew in the business, said that no money was being raised, and that no money would be raised. Mr. Brown was very conservative indeed. The most that he did was to listen. [Laughter.]

When I had gotten through with what I had to say, then Speaker Clark delivered what may be termed a little lecture upon the subject, and that ended the incident.

It was one thing connected with it that I had omitted in my testimony to state.

The CHAIRMAN. I had forgotten about the incident myself, as you related it to me, and hence the failure to ask the question.

Mr. RUSSELL. Can you fix that date?

Mr. JOHNSON. No. I thought it was during the first session of the Sixty-second Congress.

Mr. RUSSELL. You do not know what month?

Mr. JOHNSON. No; I do not.

Mr. WILLIS. Mr. Johnson, when you were before this committee this morning you spoke about certain papers you had relative to this bill. Did you bring those papers with you?

Mr. JOHNSON. No. I went from here to get the letter that I felt sure I had gotten from Mr. Ryan relative to the pawnbrokers' provision in the loan-shark bill, and the papers, envelope, and all are gone from where I put them.

Mr. STAFFORD. Is the engrossed bill also missing?

Mr. JOHNSON. The engrossed bill is also missing. Everything is gone that I had. Everything was in one big manila envelope.

Mr. WILLIS. How recently did you see it there?

Mr. JOHNSON. When I came here in December, I saw that package, and I have seen it several times since, although I do not think I have seen it now for several months.

The CHAIRMAN. If Mr. Tribby is in the room, I will ask him to take the stand.

TESTIMONY OF MR. CHARLES E. TRIBBY, OF WASHINGTON, D. C.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Give your full name to the stenographer.

Mr. TRIBBY. Charles E. Tribby.

The CHAIRMAN. And you residence.

Mr. TRIBBY. Washington.

The CHAIRMAN. And your business.

Mr. TRIBBY. I am in the real estate business.

The CHAIRMAN. In the real estate business?

Mr. TRIBBY. Yes, sir.

The CHAIRMAN. How long have you been in the real estate business?

Mr. TRIBBY. About seven years.

The CHAIRMAN. About seven years?

Mr. TRIBBY. Seven years; yes, sir.

The CHAIRMAN. Were you at any time engaged in the loan business here, Mr. Tribby?

Mr. TRIBBY. Well, I am now, in the nature of closing it up. Since this bill passed, I am closing up the business I had an interest in.

The CHAIRMAN. You had an interest in a loan business that was affected by this legislation?

Mr. TRIBBY. Affected by this legislation; yes, sir.

The CHAIRMAN. The so-called loan-shark bill?

Mr. TRIBBY. That is right.

The CHAIRMAN. Were you loaning money on chattel mortgages?

Mr. TRIBBY. I was.

The CHAIRMAN. Mr. Tribby, about the time that this legislation was first proposed—I am referring now to the last Congress, the Congress in which it was passed—do you remember about the time it was first proposed? I mean, in that Congress.

Mr. TRIBBY. Well, I don't remember—there has been an agitation about it for several years, since 1911, but I had taken very little interest in regard to it.

The CHAIRMAN. As a matter of fact, that Congress met in March or April, 1911?

Mr. TRIBBY. Yes.

The CHAIRMAN. And the bill, as has already been shown here by the proof and which is a matter of record, was introduced very shortly after the meeting of the Congress, and was referred to the committee, and it was some months before it was reported out of the committee. Finally it was reported out and passed during that Congress. I want to ask you, to get right down to the point, if you know anything about any fund being raised among those engaged in the business affected by that bill, for the purpose of employing counsel or for any other purpose in connection with that legislation?

Mr. TRIBBY. All I know is what I read in the papers, and I have heard it talked about town that there was a fund they were raising for that purpose.

The CHAIRMAN. Did anybody ever ask you to contribute to that fund?

Mr. TRIBBY. Yes, sir.

The CHAIRMAN. Who did?

Mr. TRIBBY. Mr. Horning, George Horning.

The CHAIRMAN. You did not do what is called a pawnbroker's business, did you?

Mr. TRIBBY. No; I did not.

The CHAIRMAN. Mr. Horning went to see you at your place of business and asked you to contribute?

Mr. TRIBBY. He called upon me. I do not know at what time, and asked me if I would contribute.

The CHAIRMAN. Give us that interview between you and him as best you remember it—what he said and what you said.

Mr. TRIBBY. He said it would be necessary for us to have lawyers, and they would have to be big men, men of good standing, they would be high-priced men, and he was trying to raise a fund, and that some others had contributed to that fund, and he wanted to know if I would contribute to it.

The CHAIRMAN. Did he say how much he wanted to try to raise?

Mr. TRIBBY. I did not go into the details as to the amount, because I was not particularly interested in it. I was going out of the loan business. I had had enough of it, and I thought it was a very good chance now to get out.

The CHAIRMAN. You did not care what became of the legislation?

Mr. TRIBBY. No; I did not care anything about it. I would not go into the loan business again if the Supreme Court of the United States would declare it to be constitutional.

The CHAIRMAN. At that time you had ceased to have any interest in that because you were going out of the business?

Mr. TRIBBY. I was doing business at that time.

The CHAIRMAN. I understand; but I understood you to say you were going out of the business?

Mr. TRIBBY. Yes, sir. I had been developing a large real estate business in the city and my time had been spent in that nearly all the time building up that business.

The CHAIRMAN. Did Mr. Horning tell you who had contributed to this fund, tell you the names of any of those who had contributed, or do you know who had contributed?

Mr. TRIBBY. I do not believe he told me, because the conversation was very short. He came in and went right to the point, and asked me if I would contribute toward that fund, and I said I was not interested in the bill and did not care whether it passed or not.

The CHAIRMAN. Did he insist any after that?

Mr. TRIBBY. No. He did not seem to be very persistent about it.

The CHAIRMAN. Do you remember about when that was, Mr. Tribby?

Mr. TRIBBY. I think it was in 1911. I think it was about the time the Dyer bill was introduced.

The CHAIRMAN. Along in April; that was when the Dyer bill was introduced.

Mr. TRIBBY. It was about that time.

The CHAIRMAN. He did not tell you who else was contributing or who had contributed?

Mr. TRIBBY. He might have mentioned some names, but I would have to guess at it now.

The CHAIRMAN. You have no present recollection of it?

Mr. TRIBBY. I have none.

The CHAIRMAN. You do not remember whether he told you how much he was trying to raise or not?

Mr. TRIBBY. No; he did not go into the amount at all.

The CHAIRMAN. Or whom he intended to employ? Did he mention any names of any men who might be employed in connection with it?

Mr. TRIBBY. No. We did not go into that. The first thing was to find out whether I was willing to contribute, and if I had been then I would want to know all about the amount and whom they were going to employ. I said at the beginning that I was not interested in the bill one way or the other. I did not care whether it passed or not.

The CHAIRMAN. Did you ever discuss that with anyone else besides him in that way?

Mr. TRIBBY. Never.

The CHAIRMAN. With none of your fellow business men—none of those engaged in the same business? You did not discuss it one way or the other?

Mr. TRIBBY. A street conversation might have taken place, or something of that sort. I might have said, "What do you think of the bill?" or something of that sort, but there is nothing I can recall in regard to any conversation.

The CHAIRMAN. Did anyone else seek to get you to contribute besides Mr. Horning?

Mr. TRIBBY. No one else. I do not know the loan men. I never associate with them. I put the money in the business. I never looked after the details. I was not around the business very much. I had the money. I was the power behind the throne. The business was run by others.

The CHAIRMAN. And no one else except Horning sought to get you to contribute to this fund?

Mr. TRIBBY. No one else.

The CHAIRMAN. You may be excused, Mr. Tribby.

I see Col. Mulhall is in the room, and I will ask him to take the stand.

TESTIMONY OF MR. MARTIN M. MULHALL—Continued.

The CHAIRMAN. Mr. Mulhall, at the time your examination ceased when you were last on the stand you were being questioned about the correspondence contained in the confidential print made by the Senate, referring to, received from, and addressed to Representative Fairchild, of New Jersey. On account of the testimony which has been given since that time and the turn which the matter has taken, I am going to drop that for the present and go to that portion of the correspondence relating to Hon. James T. McDermott and Mr. J. H. McMichael. I first invite your attention to Senate No. 2409–2412. That seems to be one of those letters addressed to Mr. Schwedtman, written by you, in which you were making a report as to the attitude of the different Members of Congress upon whom you called with respect to the tariff commission.

Before taking that letter up in detail I want to ask you about just what character of activities you conducted while you were examining Members in regard to that particular question.

Mr. MULHALL. I made a complete canvass of the entire membership of the House, or was attempting to make a complete canvass of the entire membership of the House, as near as I could locate them.

The CHAIRMAN. That was in the early part of 1909?

Mr. MULHALL. Yes, sir; in February—in January, 1909.

The CHAIRMAN. Under whose instructions were you doing this?

Mr. MULHALL. Under the instructions of Mr. Ferd C. Schwedtman, secretary to the president of the National Association of Manufacturers.

The CHAIRMAN. And you endeavored to see every Member of Congress?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That is, every Member of the House?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And report as to their attitude, if you could ascertain it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. On the subject of the tariff commission?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Now I invite your attention to a paragraph in the letter to which I have referred, which will be found on page 38AAA.

Mr. CRIM. Is that 2409–2412?

The CHAIRMAN. Yes.

Mr. CRIM. Over the page——

The CHAIRMAN. On page 38AAA, the third paragraph from the bottom.

Mr. CRIM. "After leaving Mr. Lovering's office "——

The CHAIRMAN. Yes; which reads as follows:

After leaving Mr. Lovering's office, I called at the office of Mr. James T. McDermott, of the fourth Illinois district. I found Mr. McDermott one of the roughest and most uncouth politicians that I have run across yet in Congress. When I told him of my mission he got even insulting in the way of using cuss

words and roundly abusing the President-elect, Mr. Taft. He commenced the interview by wanting to know if I had read Mr. Rainey's address in the House on Tuesday.

Do you remember what that address was of Mr. Rainey?

Mr. MULHALL. No, sir; not at the present time.

The CHAIRMAN. You do not know whether it was on the subject of the tariff commission or not?

Mr. MULHALL. No, sir; I do not think it was.

The CHAIRMAN (reading:)

I told him that I had, but that I had seen that Mr. Rainey had been strongly contradicted in the House on yesterday and again to-day; and he flew into a tirade against the Republican Party and its leaders and attempted to get abusive against the "gang," as he stated, that was getting up this tariff committee convention. He said that he knew that it was this Van Cleave crowd of agitators that was always fighting the labor unions. I handed Mr. McDermott my card and told him that I was one of the Van Cleave crowd and very proud of it; that the gentleman he was talking about I had known for years; and I told Mr. McDermott that I was certainly sure that he did not know the man he was talking of.

My interview with Mr. McDermott was not altogether disagreeable before it closed, but I wish to close my statement here by saying that it would afford me the greatest pleasure on earth to see this fellow get his just deserts in his own home district if the opportunity ever arises.

Was that your first meeting with Mr. McDermott?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You had never been acquainted with him prior to that time?

Mr. MULHALL. Not to my knowledge.

The CHAIRMAN. Was there anything else occurred in that conversation worthy of mention that is not mentioned in this statement?

Mr. MULHALL. I think the report covers the entire transaction, only that Mr. McDermott was extremely abusive in the language that he used. It could not be put into print. [Laughter.]

The CHAIRMAN. Well, the last paragraph of the part is "Mr. McDermott is certainly very forcibly against a tariff-commission bill."

Mr. MULHALL. He gave me to understand he was strictly against anything the National Association of Manufacturers wanted or, in other words, the Van Cleave crowd wanted.

Mr. WILLIS. Did he indicate to you in this conversation that he was friendly to the labor unions? It says here, "The Van Cleave crowd of agitators are always fighting labor unions."

Mr. MULHALL. That was about the words he used, Mr. Willis.

Mr. WILLIS. He did not say anything about his relations to labor unions?

Mr. MULHALL. No, sir; he did not at that time.

The CHAIRMAN. What did you mean by the expression—

and I wish to close my statement here by saying it would afford me the greatest pleasure on earth to see this fellow get his just deserts in his own home district, if the opportunity ever arises.

Mr. MULHALL. Just what I wrote.

The CHAIRMAN. You meant you would like to see him defeated?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. You did not wish him any other ill effects than that? [Laughter.]

Mr. MULHALL. No, sir; not at that time.

The CHAIRMAN. Now, in 2246 Mr. McDermott's name is mentioned along with others under this head, "Cannon's list sent by Watson." Do you find it there?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. What was that Cannon's list?

Mr. MULHALL. That was a list that was made up partly by Mr. Childs, the secretary of the Committee on Pensions, and by Mr. James E. Watson, the whip of the House at that time.

The CHAIRMAN. What was the purpose of making out that list?

Mr. MULHALL. That was supposed to be a black list of Congressmen they wanted defeated at that time.

The CHAIRMAN. That who wanted defeated?

Mr. MULHALL. The National Association of Manufacturers.

The CHAIRMAN. Well, did it contain all of the names that the National Association of Manufacturers desired to defeat, or did it have any names in which they were not interested?

Mr. MULHALL. Well, I should judge at that time—I will just state that if I had the original, and saw the original, I believe it has a date—I think Mr. McDermott's name at that time was put in here by mistake. It was put in here by Mr. Watson.

The CHAIRMAN. His name appears there in the list on page 53. I was going to ask whether you knew why his name was included at that time?

Mr. MULHALL. Well, I am under the impression these gentlemen who wrote the list did not know of his relations with our people at that time.

The CHAIRMAN. What was the date of that, Colonel? Do you know about when that list was furnished you? It does not bear any date in the print.

Mr. MULHALL. I think it was furnished to me before the campaign in 1910.

The CHAIRMAN. Just prior to that campaign, you think?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. It seems to be divided there. First there are a number of names over which are the words "Written by Watson." Then there are a number of other names over which are written the words "Cannon's list sent by Watson."

Mr. MULHALL. Well, the two lists were made up by Mr. Watson, and it was given me to understand the one was those people that were opposing the Speaker and the other was names he wanted added.

The CHAIRMAN. In other words, Cannon's list sent by Watson included the names Irvine L. Lenroot, Henry A Cooper, Augustus P. Gardner, Herbert Parsons, William S. Greene, Victor Murdock, James T. McDermott, Champ Clark, Gilbert N. Haugen. Were they the names that were submitted by Mr. Cannon as men he wanted defeated?

Mr. MULHALL. I had that understanding from Mr. Watson, as near as I can remember.

The CHAIRMAN. And then the next list there is the permanent list. Those were the men that had entirely sinned away the days of grace, were they?

Mr. MULHALL. Yes, sir; those were the men they were continually chasing.

The CHAIRMAN. And there was no hope left for them whatever?

Mr. MULHALL. Those were the men that they could not reach, in other words.

The CHAIRMAN. I find the name of John L. Burnett, of the seventh Alabama district, in that. Do you know why he was marked for slaughter?

Mr. MULHALL. Not at this time, sir. I am not clear on that, only I knew Mr. Burnett always favored class legislation, or voted always in favor of labor legislation.

The CHAIRMAN. Do you know whether his attitude on the immigration question had anything to do with the opposition to him?

Mr. MULHALL. My mind would not be clear on that subject just now, sir.

The CHAIRMAN. Then, as I understand you, you do not now recall why the name of James T. McDermott was placed in this list at that time?

Mr. MULHALL. Well, it was placed there in 1910, and I would state, as I stated a moment ago, that I do not think they understood Mr. McDermott's relations with myself and others at that time.

The CHAIRMAN. That is in the Cannon list?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That is not in the National Association of Manufacturers' list, but is in the list you say you understood from Mr. Watson was furnished by Mr. Cannon?

Mr. MULHALL. Yes, sir.

Mr. CLINE. I want to ask him a question.

The CHAIRMAN. All right, Judge Cline; certainly.

Mr. CLINE. You say this list, Colonel, was the one containing the names that the National Association of Manufacturers wanted defeated at the coming election?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Let me inquire did the National Association of Manufacturers carry its operations far enough to go into a district and select an opponent to a man they wanted to be defeated, or participate in selecting a man?

Mr. MULHALL. Well, they have done that during my service with that organization. They have gone in and attempted to select an opponent.

Mr. CLINE. Have you an instance in mind where that was done?

Mr. MULHALL. Yes, sir; I can take an instance where I was sent to Mr. McDermott's district in 1909—September, 1909—where I was instructed to try to get an opponent to Mr. McDermott, and I believe I selected Mr. Edward Rainey.

Mr. CLINE. Who sent you there for that purpose?

Mr. MULHALL. I was sent there by Mr. Van Cleave and Mr. Schwedtman after I had an interview with those people.

Mr. CLINE. Can you name another instance?

Mr. MULHALL. Yes, sir; I can name where I went into the sixth New Jersey district on two occasions and selected candidates, or tried to help candidates I thought would be men who would be able to beat Hughes.

Mr. CLINE. And you went there at the direct solicitation of the proper officers of the National Association of Manufacturers?

Mr. MULHALL. Yes, sir. I went positively—I worked always under their instructions in that way. That was my orders.

Mr. CLINE. And does that include all of them you now have a recollection of, or were there others?

Mr. MULHALL. Well, we always went into the districts to try to help the candidates that were in a position to win, if they wanted to defeat a candidate in the primaries. If they did not help out in the primaries, they worked for to get a candidate in the field or in the primaries to win. They generally selected a candidate in that way.

Mr. CLINE. Let me ask you another question: In making this opposition to candidates, did the National Association of Manufacturers ever go so far as to use any money in making its selections?

Mr. MULHALL. Yes, sir.

Mr. CLINE. In assisting the opposing candidate to the man whom they wanted to defeat, if they even did not participate in the primary elections in selecting them, did they go so far as to use money to assist in electing candidates if they wanted to defeat the other man?

Mr. MULHALL. I have known where they sent the candidates money to help out to defeat their opponents in the primaries.

Mr. CLINE. And in those primaries where they did not assist in the selection of the man?

Mr. MULHALL. Yes, sir.

Mr. CLINE. How was it in a general election? Do you know of instances where they spent money to assist in electing their particular candidate?

Mr. MULHALL. Yes, sir; in the campaign of 1908 they certainly spent a lot of money in selecting Mr. Watson.

Mr. CLINE. Mr. Watson was a candidate for governor?

Mr. MULHALL. Yes, sir. Although, when they first went in there, they understood he was a candidate to be returned for Congress. They did not learn that he was a candidate for Congress there for quite a while.

Mr. CLINE. What means have you of knowing that they collected money to select Watson for governor?

Mr. MULHALL. I participated in the affair myself and organized a committee to collect funds.

Mr. CLINE. Did you travel over the State and visit concerns that were members of the National Association of Manufacturers to collect money?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Was the money paid by you, or sent, to the headquarters of the national committee?

Mr. MULHALL. No, sir; it was generally paid to the committee. They had a committee in Indiana, in Marion County, that covered the biggest part of Indian, soliciting funds for Mr. Watson's campaign in 1908.

Mr. CLINE. I did not want to go into Mr. Watson's campaign until we get to it; I just wanted the facts you had which would corroborate the statement you make here in reference to members of the National Association of Manufacturers in that respect.

Mr. MULHALL. As general field agent under the administration of Mr. Van Cleave, that was my instructions always to put a candidate

in the field we wished and to do all we possibly could to defeat our enemies.

Mr. WILLIS. Mr. Mulhall, I want to be sure I understand your statement as to the authorship of these lists. Now, 2244—who do you say prepared that list?

Mr. MULHALL. I said Mr. Childs wrote out part of the list, the secretary of the Committee on Pensions and Mr. Watson prepared the other part of it. There were two authors of that, or two gentlemen prepared that list.

Mr. WILLIS. You say this was prepared, then, by Mr. Watson and Mr. Childs. Now, I direct your attention to 2246, the first list there containing nine names; who is said to have prepared that list?

Mr. MULHALL. As near as I can recollect that is in Mr. Watson's—I think, if I could see the original list, I think you will find it is in Mr. Watson's handwriting.

Mr. WILLIS. Then, this permanent blacklist, containing five names, who prepared that?

Mr. MULHALL. They were on the standing list.

Mr. WILLIS. On whose standing list, now?

Mr. MULHALL. Of the National Association of Manufacturers. They were at all times people to be made war on.

Mr. CLINE. Colonel, was the Mr. Childs you referred to as being clerk of the Committee on Pensions the same Mr. Childs who was clerk of the Committee on War Claims?

Mr. MULHALL. I think he was. He was Mr. Kittredge Haskins's brother-in-law and secretary, if I remember rightly now.

Mr. STAFFORD. Mr. Mulhall, will you state the instances where the National Association of Manufacturers put candidates in the field against the present sitting Members of Congress?

Mr. MULHALL. In 1909 they put a candidate against, or helped to put a candidate against Mr. McDermott. That is about the only one of the present House I remember at the present time.

Mr. STAFFORD. In past Congresses, do you recall now any instance where they put a candidate in the field against a sitting Member of Congress?

Mr. MULHALL. At the Sixtieth, Sixty-first, and Sixty-second Congresses, do you wish?

Mr. STAFFORD. Yes. Do you know of instances?

Mr. MULHALL. Well, they—I remember they put a candidate in the field against Mr. Pearre, a Mr. Lowndes, and I was in Mr. Pearre's district on several different occasions to help Mr. Lowndes to be a candidate—to help him win out in the primaries.

Mr. STAFFORD. Mr. Lowndes was one of Mr. Pearre's opponents?

Mr. MULHALL. Yes, sir; one of the opponents in 1906, I believe.

Mr. STAFFORD. That was in Maryland?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Do you recall any other instances?

Mr. MULHALL. Yes, sir; I recall Mr. McCleave, in 1910.

Mr. STAFFORD. Any others?

Mr. MULHALL. I know they made a pretty hard effort to get a candidate against Mr. Gardner until he surrendered to Mr. Robinson, of the second New Jersey district. They were interested in the eleventh Pennsylvania district, to help there. If I had my notes or letters I could find the list or a full report on that, Mr. Stafford.

Mr. STAFFORD. That is as far as your memory now serves you?

Mr. MULHALL. Yes, sir; as far as my memory serves me; I have tried to do the best I can, and that is four or five I recall without looking over my letters or files.

Mr. STAFFORD. Do you recall any more at the present time?

Mr. MULHALL. I do not recall any more at the present time; no, sir.

Mr. STAFFORD. In this instance of Mr. McDermott, which is the matter specially before the committee at the present time, was a candidate put in the field against him of the same political party?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And what was his name?

Mr. MULHALL. Ed Rainey.

The CHAIRMAN. You say that was in 1909 that Mr. Rainey was brought out against Mr. McDermott?

Mr. MULHALL. I went out into Mr. McDermott's district in 1909 and tried to put a candidate in the field against him. I saw several politicians and members of the organization, Mr. Job and others, in Chicago, and returned after a visit at that time, and there is a report of that effort before the committee.

The CHAIRMAN. Did you follow that up by supporting Mr. Rainey?

Mr. MULHALL. No, sir. After returning here I met McMichael and had quite a lengthy interview with him concerning my visit to Chicago, and was inclined to quit after that, or the organization was inclined to quit. I made reports on that subject.

Mr. WILLIS. Why?

Mr. MULHALL. We found Mr. McMichael at that time was a very useful friend, and, in addition to that, he persuaded me Mr. McDermott could be a very useful friend. He said that I did not understand him; that he was a rough jewel, and if he and I got together and had an interview he thought we might be able to straighten the matter out.

Mr. WILLIS. Up to that time you had not had any interview subsequent to that first one you have spoken of with Mr. McDermott?

Mr. MULHALL. No, sir; with the exception of the time that I met him and extended an invitation to him to go to Indianapolis to the meeting of the tariff convention.

Mr. WILLIS. So that after you talked to McMichael you withdrew your opposition?

Mr. MULHALL. I had two or three interviews with McMichael on the subject. I didn't withdraw on the first interview, but about that time I was meeting Mr. McMichael every second day or every third day, or whenever I came to this side of the House I had a meeting with McMichael. He was one of the first I would hunt up.

Mr. CLINE. Did you aid in Judge Jenkins's candidacy in Wisconsin?

Mr. MULHALL. Yes, sir; you recall my mind to that. They took a very active part in Judge Jenkins's campaign and opposed Mr. Lenroot.

The CHAIRMAN. The next letter to which I draw your attention is Senate 3564. It seems to be a letter written by you to Mr. John Kirby under date of February 11, 1910. That refers to Mr. McMichael, and I believe is the first reference that we have, in point of time, to Mr. McMichael.

Mr. CRIM. February 11, 1910, Mr. Chairman?

The CHAIRMAN. Yes; February 11, 1910.

Mr. Mulhall, before we take up that letter, I want you to tell us about your first meeting with Mr. McMichael, and the circumstances under which you met, and what occurred at that meeting, etc.

Mr. MULHALL. I believe I had met him first, that I was first introduced to him through a colored man by the name of Harry Parker, messenger for the Ways and Means Committee. Parker had been doing some little errands, supplying bills and things that I had asked for, and I think he was doing a little, and he suggested I should see a man by the name of McMichael, the chief page of the House. I told him I would be pleased to meet McMichael, and the next day I came to the Capitol he made arrangements for me to meet McMichael in the cloakroom of the House on the Democratic side. He introduced me to McMichael, and I had a brief interview with him, telling him who I was and showing my card, and I wanted to know if he could help me. He said he would willingly help me. That was my first meeting with him.

The CHAIRMAN. Did you, at that first meeting, arrange the matter of compensation with him for his employment? Did you tell him how much you would pay him, make any proposition to him?

Mr. MULHALL. I believe not at the first meeting. As near as I can remember, I gave him a list, I took one of the letterheads of the National Association of Manufacturers and gave him a list of the directors that was on the heading and asked him to send out a Record to each member.

The CHAIRMAN. The daily Record?

Mr. MULHALL. The Congressional Record.

The CHAIRMAN. And send it out daily?

Mr. MULHALL. Yes, sir. He stated he would, and I checked off the names on the list that I wanted him to send Records to, and a few days after that had another interview with him. I asked him, as near as I can remember, if he had sent those Records out, and he said he had. So then I talked compensation with him. I said I would give him $50.

The CHAIRMAN. Did you then and there agree upon what his compensation should be for the future?

Mr. MULHALL. Yes, sir. I suggested that each and every month I would give him at least that amount.

The CHAIRMAN. Mr. Mulhall, how soon did the fact of your employment of McMichael become known to the officers of the National Association of Manufacturers?

Mr. MULHALL. The next morning.

The CHAIRMAN. After his employment?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. The next morning after your first meeting?

Mr. MULHALL. The next morning after my first meeting, before I gave him the money. I reported the matter fully to Mr. Emery.

I used to have a meeting with Mr. Emery in his office, while Congress was in session, every morning about 9 o'clock, and, as a rule, I would meet him and go over matters with him from 9 until 10 o'clock, and then I would come up around the House.

The CHAIRMAN. You reported that matter to Mr. Emery?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And what did Mr. Emery say about it?

Mr. MULHALL. It was agreeable to Mr. Emery. I told him that MrMichael could assist me—get documents and things like that—and that in fact, with my work, it was almost impossible for me to get the bills and documents, and I would have to have some help along those lines, and he agreed with the whole transaction.

The CHAIRMAN. Had this man Parker been receiving pay before this time from you?

Mr. MULHALL. He had been getting small amounts. as near as I can remember—that is, $5 and $10 at a time—but when I had an arrangement with Mr. Emery, Mr. Emery drew his check for $100 a month, which was to be divided, $20 to go to Parker, $30 to go to Neal, and $50 to go to McMichael.

The CHAIRMAN. Had Henry Neal been getting pay before this time regularly?

Mr. MULHALL. Yes, sir; for little errands, some small amounts of money.

The CHAIRMAN. In the nature of tips?

Mr. MULHALL. I should judge a little bit better than that; from $5 to $10.

The CHAIRMAN. Large tips?

Mr. MULHALL. Yes, sir; good-sized tips.

The CHAIRMAN. There was not an understanding as to the amount which they should receive prior to that time?

Mr. MULHALL. As near as I can remember, there was not. It was an understanding I made with him there at that time, I think. I am not just positive, but as near as I can remember now that was the understanding I made, and then later I made the arrangement with McMichael, and Mr. Emery gave me a check for $100 a month, to be divided, and they received that amount while Congress was in session.

The CHAIRMAN. Just what was McMichael to do? What was his entire service to be, the service he was to render?

Mr. MULHALL. He was to call up, as a rule, the Washington office here every morning and to take orders from Mr. Emery as to what bills he wanted sent down there and any documents or anything I wanted sent out, which I told him at my interviews with him here in Congress, and, in addition to that, to keep track of the committees and any other information he could pick up on the floor of the House.

The CHAIRMAN. What do you mean by any other information?

Mr. MULHALL. In relation to where bills were, how far they had progressed, who was advocating bills, and who was pushing them.

The CHAIRMAN. Now, what was Parker to do?

Mr. MULHALL. Parker had always been furnishing documents—that is, bills which were asked for by Mr. Emery's office and any congressional documents that were necessary to be sent out by the organization.

The CHAIRMAN. What was Neal—now, just a moment—that is what Parker had been doing up to this time?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. After you got McMichael to take charge of the documents what did Parker do?

Mr. MULHALL. He helped McMichael, as I understood, to get bills, have them sent to the office, generally by messenger.

The CHAIRMAN. About that time you say he went regularly on the pay roll? That is to say, you paid him regularly after that $20 a month?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was that a contract? Did he understand that from that time, or about that time, he was to get $20 each month after that, or did you just——

Mr. MULHALL. I simply told him he would receive that amount each month while Congress was in session for helping McMichael to get documents. In fact, he was subservient to McMichael and helped him in any way he asked.

The CHAIRMAN. What was Neal to do? Neal was the Speaker's messenger?

Mr. MULHALL. Yes, sir. He was more used as an errand boy to send for Members on the floor. I seldom sent cards to the door, and I always had Neal for the purpose of keeping track of the Members around the lobby.

The CHAIRMAN. Why did you prefer to use Neal rather than a regular doorkeeper?

Mr. MULHALL. He was quicker and better acquainted with the Members, and, I suppose, more secretive.

The CHAIRMAN. He had access to the floor?

Mr. MULHALL. Yes, sir; at all times.

The CHAIRMAN. When you wanted to send for McMichael, whom did you send for him?

Mr. MULHALL. Neal would go in or Parker would go in.

The CHAIRMAN. Parker did not have access to the floor?

Mr. MULHALL. Yes, sir; I think he did. I am not sure of it, but he would go. There is an entrance into the cloakroom, the last door, close to the door of the Ways and Means Committee room, and he would go through that door, and inquire from a page in the cloakroom, and have McMichael found. I do not know whether he had access to the floor or not. I am not sure of that.

Mr. WILLIS. Are you sure that you had a complete understanding with Mr. Emery that those men would go on the pay roll from this time forth?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. And he knew that Mr. McMichael was receiving $50 a month, and these other men $30 and $20, respectively?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. Did you embody that in your reports that you made to the officers of the National Association of Manufacturers?

Mr. MULHALL. I believe that is partly covered in my reports in the correspondence. I had some correspondence with the New York office on that subject.

Mr. WILLIS. How long were these parties continued thus on the pay roll?

Mr. MULHALL. I think until after the meeting of the House in 1911—the spring of 1911—the extraordinary session.

Mr. WILLIS. Did any of them draw salary while the House was not in session?

Mr. MULHALL. McMichael did the last year. I talked with Mr. Bird in the New York office about McMichael, and I requested Mr.

Bird to put him on permanently. In fact, I did a good deal more for McMichael, because he gave me to understand he was dividing his funds with others.

Mr. WILLIS. With whom was he dividing his funds?

Mr. MULHALL. With James T. McDermott, Congressman.

Mr. WILLIS. Did McMichael tell you that?

Mr. MULHALL. Yes, sir. On frequent occasions he said that McDermott was continually touching him for dough, as he called it.

Mr. WILLIS. Did he say that Mr. McDermott got any specific portion of this?

Mr. MULHALL. As a general rule; yes. I know that McDermott interviewed me on several occasions to have McMichael's pay raised, so that he might get a little more dough.

Mr. WILLIS. Did McDermott say that he wanted the pay raised, so that he could get some of it?

Mr. MULHALL. Yes, sir; on frequent occasions.

Mr. WILLIS. Where did he say that? Where did you have these interviews with him?

Mr. MULHALL. I had interviews with him frequently, several times in his room, and for a long time at Fritz Reuter's; we met there about twice or three times a week, sometimes in the evenings, and afterwards, later on, McDermott furnished me a room in the Capitol, in the basement, and we used to have meetings there most every morning while that room was in my charge.

Mr. WILLIS. When did you first come to have charge of that room?

Mr. MULHALL. I think it was at the first session in 1911.

The CHAIRMAN. The first session of the Sixty-second Congress?

Mr. MULHALL. Yes, sir.

Mr. CLINE. I believe you said you employed McMichael?

Mr. MULHALL. Yes, sir.

Mr. CLINE. If I remember your testimony, you said the second time you saw him you employed him?

Mr. MULHALL. Yes, sir.

Mr. CLINE. In the meantime did you have any conference with Mr. Emery about him?

Mr. MULHALL. I said the next morning after my first meeting with him, after the introduction by Parker, I had a meeting with Mr. Emery and explained the entire matter, and Mr. Emery fully agreed with me, after I explained the matter to him, that I should have a little more help.

Mr. CLINE. You do not remember what Mr. Emery said, do you?

Mr. MULHALL. Well, no, sir; I could not go into details.

Mr. CLINE. You are just giving a conclusion now?

Mr. MULHALL. I only know that I went over those matters with him and talked over with him what McMichael could do.

Mr. CLINE. Let me ask you about this check. You say that after that time every month Mr. Emery drew his check for $100?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Did McMichael ever go to Baltimore to get money of you at any time?

Mr. MULHALL. Yes, sir; I think McMichael called on me in Baltimore 8 or 10 times, or maybe oftener.

Mr. CLINE. Let me ask you about Mr. Parker and Mr. Neal. Parker was the man who was at Mr. Underwood's door?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Was it ever a part of Parker's duty to keep tab on who went into the Ways and Means Committee room?

Mr. MULHALL. No, sir; not as a rule. If I made inquiries of him to find a Member for me he would tell me where I could find him.

Mr. CLINE. Any citizen who went in?

Mr. MULHALL. No, sir. I frequently sat in the room, but never kept tab.

Mr. CLINE. Was it a part of Neal's duties to know who were going into the Speaker's room at any time?

Mr. MULHALL. I would inquire from him who was in there and he would tell me, but he never kept tab.

Mr. CLINE. You did not make that a part of his work?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Do you know when Neal got his last payment from the N. A. M. through you?

Mr. MULHALL. I think that was the last payment, in October, I think. That letter, if I am not mistaken, from Mr. Emery's office stated that they had been paid $25 each. I think the letter stated that Mr. Emery could not find them and sent it to me. I think that was the last payment.

The CHAIRMAN. You think that was the last payment?

Mr. MULHALL. I think it was; yes, sir.

The CHAIRMAN. Do you remember the date of that letter?

Mr. MULHALL. You will find it in the correspondence.

The CHAIRMAN. I know it is there. I have seen it, but I was wondering if you remembered about the date of it. Is that somewhere near the time when you quit the association?

Mr. MULHALL. I think it was 1911. I think he made his last payment in 1911, after the extra session was over.

Mr. CLINE. Did Mr. Emery give you money more than once to make payments?

Mr. MULHALL. Every month.

Mr. CLINE. Did he give you cash?

Mr. MULHALL. No, sir. That was a check. Apparently I was out of the city here, and he knew they were doing that work, and Mr. Emery had an understanding that this money was to go to those people, and he attempted to reach them by letter to me, and requested me to reach them and make the payment.

Mr. CLINE. That was the only time he made their payments in cash?

Mr. MULHALL. It was not made in cash. He wrote a letter to that effect.

The CHAIRMAN. And sent you a check?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. With instructions to cash it? The check was made payable to you?

Mr. MULHALL. Yes, sir; always.

The CHAIRMAN. Your instructions were to cash it and pay them $25 apiece?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did he usually pay you the other in checks, too?

Mr. MULHALL. Always in checks.

The CHAIRMAN. If I understand you, you drew your pay and all other expenses that you drew from this association from the New York office?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That did not come from Mr. Emery?

Mr. MULHALL. My pay and my expenses did not.

The CHAIRMAN. He had nothing whatever to do with that?

Mr. MULHALL. No, sir.

The CHAIRMAN. And this particular fund which was used for the payment of McMichael and these two colored men came from Mr. Emery direct?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Do you know why that was?

Mr. MULHALL. Because Mr. Emery was in charge of the Washington office, and everything I did was under him. I had to consult with him about it, and I was entirely subject to his orders, from 1907 on, as near as I can remember.

Mr. CLINE. How do you explain this fact, Mr. Mulhall, that if Mr. Emery knew that one man was getting $20 and the other $30, that in this letter he instructed you to give each of them $25?

Mr. MULHALL. I guess that was the last payment and he was making it larger.

Mr. CLINE. That was making one larger and one less?

Mr. MULHALL. No; that was dividing the check between those two men.

Mr. CLINE. Yes; but one of them had been drawing $30 and the other one $20.

Mr. MULHALL. Yes; making one larger. I am not sure whether, at the close of Congress, where there might be only 8 or 10 days for them, they generally made this last payment as a kind of a compliment for the work which he had done.

Mr. WILLIS. Did they pay McMichael more than $50 a month?

Mr. MULHALL. I would say from borrowing a little money once in an emergency, yes.

Mr. WILLIS. Did you give him a check for $100 a month?

Mr. MULHALL. That covered two months, if I am not mistaken. One month I was doing field work, and when I got back I made up the payment to him.

Mr. WILLIS. Did you ever pay money to him to be paid to Parker and Neal?

Mr. MULHALL. I believe I did on one occasion when I was engaged in some other work, and I gave him the money and advised him to give it to the colored boys.

Mr. WILLIS. And did he report to you that he paid them?

Mr. MULHALL. Yes, sir. In fact, if I did not pay them the first time I came to the House, they would let me know of it.

Mr. RUSSELL. I will ask you if you frequently received telephone messages from Mr. McDermott or Mr. McMichael when you were in Baltimore, telephone messages from Washington?

Mr. MULHALL. Yes, sir. I was frequently called up on the telephone.

Mr. STAFFORD. When did you first engage McMichael in your employment or the employment of the National Association of Manufacturers?

Mr. MULHALL. I stated, I think, Mr. Stafford, in January, 1909.

Mr. STAFFORD. To whom would Mr. Emery send his checks for $100?

Mr. MULHALL. He would give them to me—hand them to me.

Mr. STAFFORD. What banks were those checks drawn on?

Mr. MULHALL. The Loan & Trust Co., where his offices are at.

Mr. STAFFORD. He first began drawing checks, then, in January, 1909?

Mr. MULHALL. As near as I can remember, from memory.

Mr. STAFFORD. And continued drawing them every month?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. While Congress was in session?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Congress was in session that year in extraordinary session, convening in April and continuing until August 5, 1909?

Mr. MULHALL. I believe it was, sir.

Mr. STAFFORD. Then he resumed giving you checks when the regular session began in December, 1909?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And continued until Congress adjourned in the latter days of June, 1910?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And began again paying you checks in December, 1910, for the short session?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Until March, 1911?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. When Congress ceased he continued to pay McMichael his money after the termination of that term of Congress, the Sixty-first Congress, on March 4, 1911?

Mr. MULHALL. 1911. I think sometimes that McMichael's checks would run behind, and if they ran behind too long, as a general rule, I would hear from him, or he would make a visit to me, and I would call Mr. Emery's attention to the fact.

Mr. STAFFORD. I failed to state that after March 4, 1911, Congress was convened on April 5, 1911, and continued in session until some time in August, 1911.

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And you continued to receive these checks regularly while Congress was in session, these checks for $100?

Mr. MULHALL. As near as I can remember; yes, sir.

Mr. STAFFORD. In whose name were those checks drawn?

Mr. MULHALL. Drawn to M. M. Mulhall.

Mr. STAFFORD. You indorsed them, did you?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And handed them over to whom?

Mr. MULHALL. To the paying teller of the Union Trust Co.

Mr. STAFFORD. And you cashed them?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And divided up the money as you stated?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. You are sure you received these checks regularly from this time until the close of that Congress in August, 1911?

Mr. MULHALL. I would not say they came regularly; whenever Emery was in town.

Mr. STAFFORD. I mean every month?

Mr. MULHALL. Yes, sir. If we were behind one month we would make up the balance the next month by making up the month behind.

Mr. STAFFORD. When Congress adjourned in August, 1911, just a few months prior to your separation from the National Association of Manufacturers, he continued to pay McMichael?

Mr. MULHALL. I think the New York office paid a few of the checks; the correspondence will show.

Mr. STAFFORD. Did you receive any checks from Mr. Emery after the close of the special session in August, 1911?

Mr. MULHALL. I am not sure of that; I am not sure whether I did or not. At that time I was in Maine, and while I was in Maine I made arrangements with Mr. Bird so that Mr. McMichael would get the balance of his checks sent to him. When I did get back from Maine I called Bird's attention to the fact that McMichael had not been given his check, and the correspondence will show who made the payment.

Mr. STAFFORD. When was Mr. Emery in Europe?

Mr. MULHALL. In 1910, if I am not mistaken.

Mr. STAFFORD. What time in 1910?

Mr. MULHALL. I think he left here in September.

Mr. STAFFORD. And returned when?

Mr. MULHALL. After the campaign was over.

Mr. STAFFORD. What campaign?

Mr. MULHALL. The campaign of 1910; that is, in November.

Mr. STAFFORD. You mean the congressional election, the general election held in the fall of 1910?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. He was gone how long?

Mr. MULHALL. I should judge about two and a half months. The correspondence shows that. There was considerable correspondence between us then.

Mr. STAFFORD. Will you detail what special work Mr. Harry Parker, the colored man detailed to the Ways and Means Committee, was to do for you for which he received $20 a month?

Mr. MULHALL. He was to help McMichael get bills and documents, or anything that was required by the letters we would send. Frequently letters were sent from the New York office in regard to documents, and he was to help to get the documents and have them sent down to the Washington office, or get them ready to go into the mails and help McMichael put them into the mail.

Mr. STAFFORD. Is that all?

Mr. MULHALL. He answered the phone, as a rule. If he was called on the phone, I think, they would call up the room of the Ways and Means Committee and he, being in charge of that room, why, he would answer the phone; and generally they would tell him over the phone what they wanted, or the bills that were wanted that day, or what they wanted on that occasion; and if he would answer the

phone, he would go to Mr. McMichael and have Mr. McMichael get what was wanted.

Mr. STAFFORD. Mr. McMichael was the chief page on the Democratic side all this time?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And very close to his position in the corner of the House there are some telephone booths, in the Democratic cloakroom, similar to those in the Republican cloakroom, by which he could be readily reached?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And yet you say they would call up Parker for that purpose?

Mr. MULHALL. I do not believe they would call up the cloakroom, because that was too public.

Mr. STAFFORD. Well, those cloakroom telephones are especially inclosed in double-door booths, are they not?

Mr. MULHALL. Yes, sir; I frequently used them myself.

Mr. STAFFORD. Where is the publicity, then, if he happened to call up those men in the Democratic cloakroom?

Mr. MULHALL. Well, there are always parties in the cloakroom, as a rule. Members sitting around, or Members in there talking, and Mr. McMichael would not want to be called up in there, I guess, too often, and I believe the arrangement was made through Parker; they thought it would be safer to have Parker called than to have Mr. McMichael called in that way.

Mr. STAFFORD. What other work was Parker to do for which he received this $20 a month?

Mr. MULHALL. He was to help Mr. McMichael put into the mails the documents that were required. If you will go over this correspondence, Mr. Stafford, I guess you will believe that the correspondence for documents was quite large at times.

Mr. STAFFORD. I have gone over the correspondence. I only want to have it go into the record what he was required to do.

Mr. MULHALL. To furnish documents and bills.

Mr. STAFFORD. What was Mr. McMichael's special work for which he was to receive $50 a month?

Mr. MULHALL. He would get those documents. If Mr. Emery required them in a hurry, he would send them down by a messenger. He kept track of anything going on on the floor of the House, any conversation that he could repeat that would be of any benefit to me, and he would keep track of what was going on in the committees—trying to get it.

Mr. STAFFORD. Do you mean to say that Mr. McMichael was an eavesdropper on the floor of the House?

Mr. MULHALL. I would not put it in just that way; but he frequently carried information to me that was very valuable.

Mr. STAFFORD. What information?

Mr. MULHALL. Information concerning bills.

Mr. STAFFORD. Well, give us some special instance of information that was valuable to you concerning Members of Congress?

Mr. MULHALL. He carried information to me, as I stated, coming from the floor of the House, from Mr. McDermott. He frequently brought little notes which he stated that he had orders to deliver

to me at Mr. McDermott's request. One measure—I think it was in relation to putting a rider on the sundry civil bill—that was an eight-hour bill that was introduced, I believe. It was brought to the attention of the House by Mr. Kendall, and advocated by Mr. Hughes.

Mr. STAFFORD. Give any other instance where he brought you information that he gleaned from Members on the floor of the House, or any other matters arising from incidents on the floor of the House.

Mr. MULHALL. The revision of the laws bill was on the floor of the House. He kept track of that bill as it was read, and frequently made reports as to how far the bill had got and the clause that was read on that occasion.

Mr. STAFFORD. All of that information could have been gotten by anyone sitting in the gallery, could it not?

Mr. MULHALL. I suppose it could. They had somebody sitting in the gallery all the time.

Mr. STAFFORD. And any person who wished to do so could read the Congressional Record, and ascertain conclusively and authoritatively everything that took place?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Please give some other instance where he reported to you information that he obtained from any Member of the House——

Mr. MULHALL (interposing). I can not remember the details.

Mr. STAFFORD (continuing). Concerning House procedure and House proceedings?

Mr. MULHALL. Why, he frequently had, as stated, carried information from Mr. McDermott to me.

Mr. STAFFORD. But that is Mr. McDermott. Were there any other Members?

Mr. MULHALL. Well, Mr. McDermott, as a rule, generally kept track of the Members on the Democratic side, or any Member that I wanted him to.

Mr. STAFFORD. How do you know he did?

Mr. MULHALL. Because he reported to me directly.

Mr. STAFFORD. Where did he report to you?

Mr. MULHALL. In Fritz Reuter's, in his room, and this room in the Capitol.

Mr. STAFFORD. Then, you did not get that from Mr. McDermott direct, but you got it through Mr. McMichael; you got it from Mr. McMichael?

Mr. MULHALL. I would have Mr. McMichael come out and say that Mr. McDermott wanted to meet me, and to say where I would meet him.

Mr. STAFFORD. Well, it has been testified here that Mr. McMichael was the intimate of Mr. McDermott; and that you three with the "Baron," or the "Prince," Louis——

Mr. MULHALL (interposing). Count Louis Fernandez.

Mr. STAFFORD. Not king, then. That you three would meet down there at Fritz Reuter's and regale yourselves?

Mr. MULHALL. Well, not to say it was strictly confined to the count, however. Why, it was sometimes parties of 10, or 12, or 15.

Mr. STAFFORD. Now, is there any other instance that you can remember or recall where Mr. McMichael reported any information

concerning the position of any Members on the floor that he obtained by overhearing conversations?

Mr. MULHALL. My mind would not be just clear on the names or the dates.

Mr. STAFFORD. Can you name one other instance in which Mr. McDermott was not a party?

Mr. MULHALL. No, sir; I can not at present name an instance without referring to the notes or the letters. If you will take Mr. McDermott's notes and hand them to me here, I may be able to call to memory some other instance.

Mr. STAFFORD. I have gone over that information. I can not see any reference to where any report has been made you by Mr. McMichael, or Mr. McDermott, of the position of any other Member of Congress outside of Mr. McDermott.

Mr. MULHALL. Well, I know that we were perfectly satisfied with the information I was getting from those two gentlemen. I did not want to reach out any further.

Mr. STAFFORD. But you do not recall now any information that Mr. McMichael gave you as to what he overheard as to the status or procedure of bills on the floor of the House?

Mr. MULHALL. I could not just state the names now, sir, but I know there were occasions where Mr. McMichael reported to me of incidents that had taken place on the floor of the House.

Mr. STAFFORD. What kind of incidents; regular debates?

Mr. MULHALL. Yes, sir; as you stated a moment ago, where a bill would be up and when a bill was coming up and how long before a bill would come up—such information could not be gotten from the Record. And in that rider to the sundry civil bill we knew that about 10 days ahead.

Mr. STAFFORD. You have already mentioned that.

Mr. MULHALL. And we were able to keep a number of Members of the House there to vote on that measure by knowing that that measure was coming up at a specified time.

Mr. STAFFORD. Mr. McMichael has positively testified and sworn that he never went and eavesdropped on any occasion. He has testified as to certain relations that he had with Mr. McDermott, but that it was far beyond him to go and act as an eavesdropper on the floor of the House of Representatives.

Mr. MULHALL. I do not know whether it was necessary, before we got acquainted with Mr. McDermott—that it was necessary for Mr. McMichael to do much of that work. I do not know that he did.

Mr. STAFFORD. That is what I wished to ascertain.

Mr. FERRIS. Which did you meet first, Mr. McMichael or Mr. McDermott?

Mr. MULHALL. Mr. McMichael.

Mr. FERRIS. You met Mr. McMichael first?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Then you met Mr. McMichael prior——

Mr. MULHALL (interposing). Well, I would not just state that, Mr. Ferris. When I called at Mr. McDermott's room to give an invitation to go to Indianapolis, I am not sure whether that was prior—whether I met Mr. McMichael prior to that or not.

Mr. FERRIS. That was the first time that you met Mr. McDermott?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. When you went to his room and had an unsatisfactory interview with him?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. You are not sure whether you knew Mr. McMichael at that time?
Mr. MULHALL. Not without referring to my reports or letters; no, sir.
Mr. FERRIS. When you wrote the letter under date of January 28, 1909, you were then of the opinion that Mr. McDermott ought to be defeated?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. Later you ascertained that he was on Mr. Cannon's permanent black list with others, I believe?
Mr. MULHALL. I believe he was.
Mr. FERRIS. I believe you said you did not know how he came on that list?
Mr. MULHALL. I believe he was put on there by Mr. Watson.
Mr. FERRIS. You think it was Mr. Watson's opinion that Mr. McDermott ought to be on the permanent black list so far as the National Association of Manufacturers' friends were concerned?
Mr. MULHALL. I am not sure of that, or whether it was the incident that took place at Mr. McDermott's room that convinced me of that fact, because I know that when that list was made up I had quite an extended interview with Mr. Watson on that subject.
Mr. FERRIS. You think that Mr. McDermott's name did not go on the list as a result of your interview with him?
Mr. MULHALL. I am not positive of that fact. I do not know whether—I suppose that would help to place his name on it.
Mr. FERRIS. You do not know what was the determining factor that put Mr. McDemott's name on the black list with Mr. William Hughes and others?
Mr. MULHALL. Just at this time; no, sir; I do not.
Mr. FERRIS. Now, later you became friendly with Mr. McDermott, did you not?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. And that was through the representations of Mr. McMichael, is that correct?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. How long after you had the unsatisfactory interview with Mr. McDermott in his office, referred to in this letter, was it before you became friendly with Mr. McDermott?
Mr. MULHALL. I believe it was—I am not sure whether it was in the spring of 1910, or in the fall of 1910.
Mr. FERRIS. This interview in the office occurred in January, 1909?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. Now, when was it, with reference to that, Mr. Mulhall?
Mr. MULHALL. Well, it was quite a long period after that.
Mr. FERRIS. Then, so far as your friendship was concerned, you had Mr. McDermott on your black list from January, 1909, until—what time do you say?

Now, what conversations and what statements of his helped you to that belief?

Mr. MULHALL. I believe that Mr. McMichael's conversations and Mr. McMichael's persuasions and usefulness to the organization helped me to be more friendly to Mr. McDermott than anything else that Mr. McDermott did at the start; and when I got better acquainted with Mr. McDermott, then Mr. McDermott's work convinced me he would be a very useful friend, as Mr. McMichael phrased it.

Mr. FERRIS. When did Mr. McDermott commit the first overt act that you thought was helpful to the National Association of Manufacturers?

Mr. MULHALL. I think at the session of 1910; the winter session.

Mr. FERRIS. You think at the winter session of 1910 was the first time that you received any beneficial help from him?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Now, what was that help?

Mr. MULHALL. Well, we continued to get any kind of document that I wanted through Mr. McDermott.

Mr. FERRIS. Through Mr. McDermott?

Mr. MULHALL. Yes, sir; Mr. McMichael always stated that he came from Mr. McDermott and was carrying out his orders and instructions; and Mr. McDermott himself gave me the same understanding.

Mr. FERRIS. Did you have a conversation with Mr. McDermott in which he said that he would furnish you with any documents that you wanted?

Mr. MULHALL. He said he would furnish us any documents we required; and then he went so far as to give me to understand that he could furnish me with labor information.

Mr. FERRIS. Labor information?

Mr. MULHALL. Yes.

Mr. FERRIS. About the Capitol or at home?

Mr. MULHALL. Well, any documents that were required that would be useful to us here, or the bills that would be talked about in the committees, and otherwise; and even went so far as to instruct Mr. McMichael, while I was present, to deliver Mr. Gompers's monthly letter to me.

Mr. FERRIS. Yes. Now, if he was an enemy of yours on January 28, 1909, and used violent and indecent and rough language toward you—toward the National Association of Manufacturers—at that time what did you do to bring about a change of heart on the part of Mr. McDermott, so that he was friendly to the National Association of Manufacturers afterwards?

Mr. MULHALL. I made several statements to Mr. McMichael; and on one occasion, when I went out West, I brought back a large list of the manufacturers in his district, which I showed to Mr. McMichael, and at Mr. McMichael's solicitation, I believe, I sent out about 80 or 90 letters to those people in his district.

Mr. FERRIS. In behalf of Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Didn't Mr. McDermott know of that?

Mr. MULHALL. Yes; he was made aware of that later on.

Mr. FERRIS. He was made aware of that later on, by whom?

Mr. MULHALL. By Mr. McMichael, and later by myself.

Mr. FERRIS. You had a conversation with him yourself about it?

Mr. MULHALL. Yes, sir; several conversations on that subject.

Mr. FERRIS. And what was the next overt act of friendliness that Mr. McDermott exhibited after agreeing to supply you with any documents that he had?

Mr. MULHALL. Well, his daily interviews were enlightening, as far as the work of the House was concerned. He would keep me in touch with different Members, of what the Members would say or do, particularly Mr. Gallagher, Mr. Carey, and the gentleman from the sixth Illinois district——

Mr. FERRIS. Buchanan?

Mr. MULHALL. Buchanan. And Mr. Wilson and Mr. Talbott and Mr. Gill. In fact, I used to get information from the Maryland Members through him.

Mr. FERRIS. Did Mr. McDermott have a card at that time?

Mr. MULHALL. I never saw the card. He stated that he had one.

Mr. FERRIS. He stated to you that he was a card member and a member of union labor?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Did he enjoy the confidence of the labor men on the floor of the House at that time?

Mr. MULHALL. I understood that he did.

Mr. FERRIS. You understood that he did?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. And he pretended to have daily conferences with you at which he told you inside information that he got from them about labor?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. When did those conversations take place?

Mr. MULHALL. That took place three or four times a week while the sessions were going on.

Mr. FERRIS. When did that relationship begin and when did it end?

Mr. MULHALL. I think it began after my meeting with him in Fritz Reuter's in December, 1910.

Mr. FERRIS. It began in 1910, shortly after your——

Mr. MULHALL (interposing). That is, he became strictly useful and confidential.

Mr. FERRIS. That is what I am trying to get at. In December, 1910, after the dinner at Fritz Reuter's, the relationship then warmed up, so that he made daily reports to you?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Now, when did that cease?

Mr. MULHALL. Well, I think it ceased when I got the letters from Chicago after my return in 1912.

Mr. FERRIS. Did he serve in that capacity, or, rather, afford you information in that capacity, as long as you were with the National Association of Manufacturers, or was there a break before that time?

Mr. MULHALL. No, sir; there was no break; there were several—maybe—little cold spells, but there was no break until I left the organization. [Laughter.]

Mr. FERRIS. You remained friends until after you left the organization?

Mr. MULHALL. Yes, sir; and quite a while afterwards. I went out to his district. I left Baltimore on the 26th of March.

Mr. FERRIS. In what year?

Mr. MULHALL. 1912; and went to Chicago and stayed there until the 18th of April, 1912, helping Mr. McDermott.

Mr. FERRIS. You say that you stayed from March 12——

Mr. MULHALL. No; the 26th.

Mr. FERRIS. To April 12?

Mr. MULHALL. No; till April 18.

Mr. FERRIS. April 18, 1912, assisting in Mr. McDermott's district?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. And you say you had a cold spell, or a partial break, right after that?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. What was that about?

Mr. MULHALL. My treatment while I was in Chicago. I worked extremely hard for Mr. McDermott, and I said when I returned here—why, I got letters later on from Chicago showing that he drew a check while I was out there that we received from the McCormick estate, and he cashed it and forged my name to it.

Mr. FERRIS. How do you know he forged your name to it?

Mr. MULHALL. Because I was in Chicago, and he never made me acquainted with the fact that he had the check, and he never brought the check to me to have it indorsed.

Mr. FERRIS. What was the size of that check?

Mr. MULHALL. That was $250.

Mr. FERRIS. Whom was it on?

Mr. MULHALL. It was given by the McCormick estate, or Harold McCormick sent it to me—to M. M. Mulhall.

Mr. FERRIS. Was that a campaign contribution?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Did you turn it over to him?

Mr. MULHALL. No, sir; I did not turn that check over to him; There was another check that I found in Baltimore about the 20th of April, when I returned from Chicago, which, later on, I cashed at the store of Post, McCombs & Co.

Mr. FERRIS. I think I will not develop that, Mr. Chairman; and I do not want to monopolize the questions.

The CHAIRMAN. That is all right.

Mr. WILLIS. Mr. Mulhall, I want to be sure that I understand the financial transactions clearly between you and Mr. McMichael late in 1911. Did you say that after August, 1911, you did not pay Mr. McMichael anything?

Mr. MULHALL. Mr. McMichael stated that his payments had run behind, and I either called the attention of the New York office to it—the correspondence will show that, Mr. Willis—I think the letters will fully explain it, if you will get the letter.

Mr. WILLIS. What I am getting at, then, is this: Was he paid after August, 1911, from the New York office, or did you pay him?

Mr. MULHALL. I think the money was sent to me by Mr. Bird, and I paid it to him. After December—I guess he got his pay from December, 1911——

Mr. WILLIS. You paid him?

Mr. MULHALL. Yes, sir; I always paid him. I wrote to Mr. Bird. I think he called. He went down—they had some flying machine that they were interested in in Connecticut that year—I do not know whether it was that year or the year previous, but I think Mr. McMichael made a trip to the New York office on his way, and called their attention to it; and Mr. Bird wrote to me about it, and the money was sent to me and I paid Mr. McMichael. But I think Mr. McMichael did have some correspondence with the New York office about his salary being behind.

Mr. WILLIS. That is all.

The CHAIRMAN. Mr. Mulhall, the correspondence relative to Mr. McDermott does not disclose anything about any payments of money by you to him. I want to ask you if you made any payments of money to Mr. McDermott?

Mr. MULHALL. Well, I would not——

The CHAIRMAN (interposing). And if so, under what circumstances and conditions?

Mr. MULHALL. Well, Mr. McDermott generally came and asked me for money—when he would meet me—in the shape of small loans that I used to pass to him.

The CHAIRMAN. Did he pay those loans back?

Mr. MULHALL. No, sir; he has never paid those loans back.

The CHAIRMAN. How much have you loaned to Mr. McDermott?

Mr. MULHALL. Well, I have never figured that. I know it used to average about $25 or $30 a week. That was not talking about the expenditures, because I was always "the goat" when I went down to Fritz Reuter's. [Laughter.]

The CHAIRMAN. I am talking about—you say you were "the goat" whenever you went to Fritz Reuter's; do you mean that you paid for what was consumed there?

Mr. MULHALL. Yes, sir; I paid as high as $15 sitting around the table at a time. I paid for everything that came up.

The CHAIRMAN. Well, that was by your invitation, was it not?

Mr. MULHALL. No, sir; by their invitations. I was always brought there.

Mr. STAFFORD. You were "easy money," were you? [Laughter.]

The CHAIRMAN. Well, you did not object to that, did you?

Mr. MULHALL. Well, I frequently did object, because it was a hard matter for me to keep it up.

The CHAIRMAN. But you did keep it up, did you?

Mr. MULHALL. Well, I avoided it whenever I could.

The CHAIRMAN. Now, let me understand about that. You say that at times there would be as high as $15 spent around the table, and you would pay the bill?

Mr. MULHALL. Always.

The CHAIRMAN. Well, was that eating or drinking or—how much would those bills run up to?

Mr. MULHALL. Well, I said I had no way of keeping track of those bills, only I had a system. I would generally start away with a certain amount of money in my pocket in the morning, and when I got home at night I would count up to see how much I was short. [Laughter.]

The CHAIRMAN. How much you would be short?

Mr. MULHALL. Sometimes I had to borrow money to get home with. [Laughter.] And then stand them off at Fritz Reuter's and pay up the next morning.

The CHAIRMAN. From whom would you borrow that money—Mr. McDermott?

Mr. MULHALL. No; I generally had friends that I was acquainted with here in the city that I would get transportation from. One time I was so hard up that I had to borrow money from a newsboy in the Union Station.

The CHAIRMAN. Did you ever borrow any money from Mr. McDermott?

Mr. MULHALL. No, sir; I never got the opportunity. [Laughter.] I do not know that he ever had the money to borrow from. It seems to me that I never struck Mr. McDermott that he was not looking for money.

The CHAIRMAN. Did you ever borrow any money from Mr. McMichael?

Mr. MULHALL. I think he was at all times hard up.

The CHAIRMAN. Well, can you give us the estimate of the amount of money you have let Mr. McDermott have in the way of loans, and which is due to you from him now?

Mr. MULHALL. That would be a pretty hard job, because—I am not saying this in the nature of a joke; I am serious about it. I have passed Mr. McDermott all the way from 50 cents to $100.

The CHAIRMAN. How many times have you loaned him as much as $100, or given him as much as $100?

Mr. MULHALL. On one occasion, after the Democratic Congress came in, in 1911, I made a very strenuous effort to keep Mr. McMichael in his position. I brought Mr. McMichael up to Mr. Dwight's home.

The CHAIRMAN. The chief page?

Mr. MULHALL. Yes, sir; chief page—and tried through the influence of Mr. Dwight as whip of the House to have Mr. McMichael retained. Later on I was informed by Mr. Dwight that he could not bring that around. Then I had an interview with Mr. McDermott in his office. On this occasion he put both Mr. McMichael and another party that he had folding circulars in his office out. He put them out and Mr. McDermott and I went over Mr. McMichael's ratification for about an hour and a half. Those people stood out in the corridor of this building while this interview was going on. Just before the interview was over he told me that he would give his patronage to Mr. McMichael, that he would retain him. And about that time he asked me for some money, and I gave him what I had and the balance the next day.

The CHAIRMAN. Do you know how much?

Mr. MULHALL. I think I gave him $35, if I am not mistaken, and $65 the next day.

The CHAIRMAN. That was once when you let him have $100. Were there any other times when you let him have large amounts like that?

Mr. MULHALL. The largest amount that he got away from me that I know of after that was standing in front of Fritz Reuter's bar, and I met him there. We were having a drink, and I pulled out a roll and took a dollar off the roll to pay the bill, and he looked at

the roll and raked it out of my hand, and I thought he done it as a joke. It had $36 or $37 in it. He put the roll in his pocket, and later on I asked him for some of the money back, and he used some choice language and said I could get more. That is the night, I believe, I had to borrow a dollar from the newsboy to get home.

The CHAIRMAN. Well, that is $135. Can you give any other instances of any amounts of any consequence?

Mr. MULHALL. Well, every time I met him at Fritz Reuter's, as a rule, he got small amounts of money; that is, all the way, as I said, from 50 cents to $2 and $5, and maybe at different times as high as $10, or I believe two or three times $20.

The CHAIRMAN. As I understand, there was no one present when you let him have this $100—$35 one day and $65 the next day?

Mr. MULHALL. No, sir; Mr. McMichael was out in the hall outside of his office, and another assistant he had was outside the office door; he put them out.

The CHAIRMAN. There was no one in the room? Do you remember where you were when you gave him the $65 the next day?

Mr. MULHALL. I believe it was in his office the next morning.

The CHAIRMAN. Was there anyone present then, do you know?

Mr. MULHALL. I am not sure on that, but I think Mr. McMichael was present, and he had Mr. McMichael leave the room for a few minutes.

The CHAIRMAN. So your best recollection is that no one was present?

Mr. MULHALL. I am not clear on that subject, but I think Mr. McMichael was in the room, and he had Mr. McMichael leave the room. He did not close the door on this occasion, because the transaction was quick.

The CHAIRMAN. You do not think McMichael was in there when the money actually passed?

Mr. MULHALL. I don't think Mr. McMichael saw the money pass, or, in fact, I don't think Mr. McMichael at any time saw any money pass, because when I went down to Fritz Reuter's I generally, as a rule, put the amounts I thought I could pay for information in my outside pocket, or in the little pocket that I have got here [indicating], where I generally keep my change. One pocket was for McDermott and the other was for McMichael. [Laughter.]

The CHAIRMAN. Did anyone see the transaction on the occasion of the taking of this $35 in front of the bar at Fritz Reuter's?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Who saw that?

Mr. MULHALL. I think a man by the name of Regan.

The CHAIRMAN. He saw that transaction?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You say he never gave you any of that money back?

Mr. MULHALL. No, sir.

The CHAIRMAN. Well, Colonel, why did you continue to let him have money that way, $5 and $10 at a time, when he did not pay any of it back?

Mr. MULHALL. He was always talking about straightening up matters with me, and particularly when I would go out to his district he

was always talking—his principal interviews along those subjects would be about what I could do for him in 1912, and when I would get out there he would collect funds and would pay this money back.

The CHAIRMAN. Did you ever ask him for repayments of these amounts?

Mr. MULHALL. No, sir; I don't know as I ever did.

The CHAIRMAN. He gave you no note for it?

Mr. MULHALL. No, sir.

The CHAIRMAN. Or a due bill, or anything of that sort?

Mr. MULHALL. No, sir. He gave me what I called "service" for it, and I guess he understood it that way.

The CHAIRMAN. Did you understand it that way at the time?

Mr. MULHALL. I didn't like to be touched as often as that, Mr. Garrett; I thought it was quite strenuous on me.

The CHAIRMAN. Did you regard it at that time, or was it tacitly understood, Mr. Mulhall, between you and Mr. McDermott, without being expressed in words—was there any understanding between you that that was for services rendered?

Mr. MULHALL. We never had any verbal understanding, but I kind of thought I would never get anything back.

The CHAIRMAN. And you never got any actual payment back?

Mr. MULHALL. I frequently loaned, as you said, to the Count, and, I think, Mr. McMichael. Sometimes I would hold off from Mr. McMichael when I went to give him the $50, if I had advanced him any money. He was always willing to pay back that way.

The CHAIRMAN. How did your loans made to the Count compare with the loans made to Mr. McDermott?

Mr. MULHALL. On different occasions Mr. McMichael would ask me to hand the Count a five or a ten. That would be done publicly.

The CHAIRMAN. Did he pay that back?

Mr. MULHALL. No, sir.

The CHAIRMAN. He still owes you?

Mr. MULHALL. I am not sure of that—whether part of that was not settled with Mr. McMichael. But I know on different occasions I did, at Mr. McMichael's request, pass money to Fernandez.

The CHAIRMAN. You think the payments were charged against Mr. McMichael's salary of $50 a month?

Mr. MULHALL. I think on one or two occasions, I asked Mr. McMichael about it, and I am not sure whether he coincided about paying it back or not. I am not positive of that fact.

The CHAIRMAN. Did you take these moneys that you let Mr. McDermott have out of your personal funds?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. They did not come out of the funds of the association?

Mr. MULHALL. Well, in making up my accounts, if I entertained at Fritz Reuter's occasionally maybe I might put in a clause for incidental expenses.

The CHAIRMAN. That was where you would pay for the dinners or lunches, or whatever you had there?

Mr. MULHALL. I don't know as I charged at all times for those dinners or lunches.

The CHAIRMAN. But you might have done so, or did, in fact, sometimes?

Mr. MULHALL. If I got information at times where I thought—the information I obtained while I was present with those gentlemen I might charge in that way.

The CHAIRMAN. This actual cash money that you let Mr. McDermott have, you did not charge that up to the National Association of Manufacturers, did you?

Mr. MULHALL. No, sir; I am not sure. I am pretty sure I did not at any time.

The CHAIRMAN. Did you ever at any time make known to the National Association of Manufacturers the fact that Mr. McDermott was getting money from you in this way, or to any officer of the National Association of Manufacturers? Do you know?

Mr. MULHALL. I am not sure of that, sir. My mind ins not clear on that subject.

Mr. WILLIS. You considered this, then, as a personal loan? You consider that Mr. McDermott owes you personally to-day?

Mr. MULHALL. I did at that time; yes, sir. I had a pretty fair opinion of Mr. McDermott at one time, although I thought, as his friends said, he was a "rough jewel," but I did not know he would borrow for the purpose of keeping it and not paying it back.

Mr. CLINE. I just want to ask this one question. Did you give Mac his money and McDermott his money in the presence of each other? You said you kept their money in different pockets. You said you put Mac's money in one pocket and Mr. McDermott's in another.

Mr. MULHALL. As a rule those two were always borrowing from one another and they did not want the other to know they had any money.

Mr. CLINE. Did you pass the money out to each in secrecy so far as the other was concerned?

Mr. MULHALL. Yes, sir; because Mr. McMichael told me if Mr. McDermott knew he had money McDermott was sure to borrow from him, and he very seldom got anything back from McDermott.

Mr. STAFFORD. Did you ever keep an account of the various amounts you handed over in this personal way to Mr. McDermott and Mr. McMichael?

Mr. MULHALL. I don't believe I did, sir.

Mr. STAFFORD. You have stated already that you never requested either to return these amounts.

Mr. MULHALL. Well, after the campaign—after my treatment in the campaign of 1912 I came firmly to the conclusion that it was money lost, that it would not be paid back.

Mr. STAFFORD. If you had up to that time expected to have it paid back, how were you going to determine the amounts you had given to these men?

Mr. MULHALL. I did not in that way keep a strict account, Mr. Stafford. I would have been perfectly satisfied if I had got part of it back. I did not figure that way.

Mr. STAFFORD. What was the occasion when Mr. McDermott said to you he would recoup you during the campaign of 1912?

Mr. MULHALL. Every time we met in Fritz Reuter's he generally talked about his campaigns and the efforts he was making. That seemed to be the principal thing that was in his mind, and the efforts that would have to be made in 1912, and he frequently consulted me

as to the amount of money I thought I might be able to collect out there. In that way he talked about, when things came his way, seeing I was reimbursed for the moneys I loaned him.

Mr. STAFFORD. Did he use the term "loan"?

Mr. MULHALL. I think he did. He generally said——

Mr. STAFFORD. Did he keep an account of the amounts you had given him?

Mr. MULHALL. I do not believe he did.

Mr. STAFFORD. From the testimony of Mr. McMichael I got the idea that you paid for the drinks and paid for the luncheons and arrangements, more or less, as a gift and as a good fellow?

Mr. MULHALL. No; I did not pay for it as a good fellow; I paid as a sucker, I thought.

Mr. STAFFORD. Did you pay as a sucker, as you term it, while you were there?

Mr. MULHALL. I used to be ashamed of the company I was in, because I hate, as the old saying is——

Mr. STAFFORD. Whose company were you ashamed of?

Mr. MULHALL. The company I generally found myself in with McDermott and the crowd that frequents Fritz Reuter's. If you wish me to name some of them I think I can call off some of them.

Mr. STAFFORD. I do not believe the committee is desirous of their company or knowing of their company. In the accounts that you have had printed which appear in the confidential prints, nearly every one of which gives many instances of expense for suppers, breakfasts, and dinners, and hotel expenses, and the like, I have not found any reference in any case to expenditures at Fritz Reuter's Hotel here.

Mr. MULHALL. I think you will find one there, Mr. Stafford.

Mr. STAFFORD. What is that?

Mr. MULHALL. I think it is my first meeting with Mr. McDermott, if I am not mistaken. I was looking over it the other day, and if I am not mistaken it is December 28 or 29 of 1910.

The CHAIRMAN. 1910?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. What is that item, if you recall it now, after having refreshed your memory?

Mr. MULHALL. I have not examined it for some time. I am not sure of that date, but I think it is December, 1910.

Mr. STAFFORD. As you recall it, what was that for?

Mr. MULHALL. That was for lunch for Mr. McDermott and Mr. McMichael and Count Fernandez, and "Hymns."

Mr. STAFFORD. Do you recall the amount?

Mr. MULHALL. I am not just sure of the amount just now, sir.

Mr. STAFFORD. How did you come to include that when you did not include any of these other expense items at Fritz Reuter's?

Mr. MULHALL. Well, I got better acquainted with the bunch I was with after that. That was about my first meeting.

Mr. STAFFORD. Why didn't you include it?

Mr. MULHALL. Well, any expenditures—once in a while I would put in a claim for incidental expenses. But I want to say right here to the committee that I have paid the transportation and expenses for 10 years of a party, costing over $10,000 of my salary and ex-

penses which I never got from the National Association of Manufacturers—my wife.

Mr. STAFFORD. Well, we won't take that up at present.

Mr. MULHALL. I wish they would take that up when they talk about "padded rolls" and things like that.

Mr. STAFFORD. Later on perhaps you will have an opportunity to give some testimony on that.

The CHAIRMAN. How frequently, Mr. Mulhall, would you meet at Fritz Reuter's?

Mr. MULHALL. On an average, two or three times a week—whenever I was notified to be there, as a rule.

The CHAIRMAN. Notified by whom?

Mr. MULHALL. By Mr. McMichael or Mr. McDermott. Or when I would go down to inquire I would inquire at Fritz Reuter's if they were there. I was anxious to keep track of the measures and I would be seeking information, and as a rule before I went home about half past 4 or 5 o'clock I would stop in at Fritz Reuter's.

The CHAIRMAN. And would stay there until some time in the night, and then go home from there?

Mr. MULHALL. Yes, sir; as a rule. I stayed there sometimes until midnight.

The CHAIRMAN. You could get a train every hour for Baltimore, could you?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did you dissipate very much there?

Mr. MULHALL. I want to say to the committee that I was never under the influence of liquor in my life, but I have seen the company I was in so drunk they could not move.

Mr. CLINE. All of them?

Mr. MULHALL. Well, as a rule; it was like the old Scotch habit, they would drink until they would go under the table.

The CHAIRMAN. You did not?

Mr. MULHALL. No, sir; I never was under the influence of liquor in my life.

Mr. STAFFORD. Do you drink at all?

Mr. MULHALL. I drink beer as a rule, and sometimes, when I can afford it, wine—champagne.

Mr. STAFFORD. Nothing stronger?

Mr. MULHALL. I have never taken a drink of whisky and I have never used tobacco.

Mr. WILLIS. When Mr. McDermott spoke to you about squaring this financial transaction, did he speak of it as paying you or paying somebody else that he represented?

Mr. MULHALL. No, sir; he spoke about paying me; that he would straighten up matters with me.

Mr. WILLIS. He understood it was an individual loan from you to himself?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. Mulhall, you spoke awhile ago of various parties that would meet at Fritz Reuter's, and said you could give the names of some of them. The committee does not care for all of them, but I would like to ask you do you know Mr. George Horning?

Mr. MULHALL. No, sir; I do not.

The CHAIRMAN. Do you know a Mr. Heidenheimer?
Mr. MULHALL. No, sir.
The CHAIRMAN. Do you know a Mr. Burnstine?
Mr. MULHALL. No, sir.
The CHAIRMAN. None of those gentlemen were ever there?
Mr. MULHALL. They might have met there, but I would not just remember the names. I know the names of some that frequently met there, but not those that just dropped in occasionally.
The CHAIRMAN. They were never members of these parties?
Mr. MULHALL. Not to my knowledge. I could not say they were or they were not, because gentlemen would come there and imbibe for a short time, take two or three drinks, and then leave. I would be introduced to them and know the names and then forget them.
The CHAIRMAN. Mr. Mulhall, I want to ask you whether you know if Mr. McMichael, while he was chief page of the House, ever used the pages of the House for the purpose of obtaining information of what Members of the House were saying and doing in private conversations on the floor or in the cloak room?
Mr. MULHALL. I could not say that he did.
The CHAIRMAN. Was he expected to do so?
Mr. MULHALL. No, sir; he was not?
The CHAIRMAN. He had no instructions to do that?
Mr. MULHALL. No, sir; I left McMichael—I was always satisfied with McMichael's work.
The CHAIRMAN. You never had any cause of complaint about his work?
Mr. MULHALL. No, sir.
The CHAIRMAN. Do you know whether he used pages or any page of the House for the purpose of sending any of these documents that he would gather to the office of the National Association of Manufacturers?
Mr. MULHALL. Yes, sir; I know that he done that frequently.
The CHAIRMAN. He did that frequently?
Mr. MULHALL. Yes, sir.
The CHAIRMAN. Do you know of any other use whatever he made of any page in the House except that?
Mr. MULHALL. No, sir; I don't.
The CHAIRMAN. Now, I do not know, gentlemen of the committee, that I care to read all these letters we have on this memorandum which is before us into the record. Personally, I believe that many of them would merely incumber the record without being any real aid to the committee. We have them all in evidence in such form that we can use them whenever it is necessary. We have them proven upon the certificate of the chairman of the Senate committee, and unless it is specially desired I shall not read all these letters into the record.
Mr. CLINE. I think this is a very important letter, this No. 3564. I would like to have that read.
The CHAIRMAN. 3564?
Mr. CLINE. Yes, sir.
The CHAIRMAN. I am just about to take that letter up, and I agree that that letter should be read into the record. But I was making that general statement now so that members of the committee could

call attention to any particular letter that they thought ought to go in.

Mr. Mulhall, I call your attention to No. 3564, which seems to be a letter written by you to Mr. Kirby, under date of February 13, 1910, one paragraph of which reads:

> Mr. McMichael, one of our workers here, phoned me early this morning, advising me that Mr. Gardner was anxious to see me. I met Mr. Gardner at 9 a. m., and he informed me that he had appointed the subcommittees of the Labor Committee as we wished him to do, and he announced to me that he had appointed the following committee: Mr. Vreeland, Mr. Madison, Mr. Allen, Mr. Rainey, and Mr. Covington as subcommittee No. 2, and referred the eight-hour bill to that committee. This makes it almost impossible to get this bill out of committee at this session, unless the Democrats can get the full committee together on next Tuesday, which I feel that it will be impossible for them to do, and if we can beat them in their next effort for a meeting on next Tuesday I feel that we are safe for the balance of the winter.

Now, what Gardner was that?

Mr. MULHALL. Mr. John J. Gardner, chairman of the Committee on Labor.

The CHAIRMAN. And Mr. McMichael phoned you that Mr. Gardner desired to see you; is that statement correct?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And you remember that independently of that letter, do you?

Mr. MULHALL. I know that Mr. Gardner frequently phoned me that he wanted to see me.

The CHAIRMAN. Would he phone you directly or through Mr. McMichael?

Mr. MULHALL. He would sometimes see Mr. McMichael on the floor and would tell Mr. McMichael, and he would inform me or phone me.

I have got the make-up of those committees that was handed me, if the gentlemen require it. Mr. Stafford, I believe, asked me to bring that. Do you wish it?

Mr. STAFFORD. We wish everything you have.

Mr. MULHALL. This committee you are talking about was made up in Mr. Emery's office. This was the form they made these subcommittees in [handing a paper to the committee].

The CHAIRMAN. You say these assignments of the subcommittees of the Committee on Labor in the Sixty-first Congress were made up in Mr. Emery's office?

Mr. MULHALL. Yes, sir; I will swear to that positively. He carried it to Mr. Gardner and Mr. Gardner appointed the committees as they were made out.

The CHAIRMAN. Was Mr. Gardner in your office at that time?

Mr. MULHALL. No, sir; he was not.

The CHAIRMAN. He was in the office at that time?

Mr. MULHALL. Never in Mr. Emery's office, but when Mr. Emery and I went to see Mr. Gardner he would not even have his own secretary there.

The CHAIRMAN. You say this was made up in Mr. Emery's office in exactly the form it is here?

Mr. MULHALL. Yes, sir; Mr. Vreeland—that committee No. 2 was certainly made up by Mr. Emery, and the balance was suggested and made up by Mr. Emery and myself.

The CHAIRMAN (reading):

Subcommittee No. 2. Law and labor provisions in Government contracts: Mr. Vreeland, Mr. Madison, Mr. Allen, Mr. Rainey, and Mr. Covington.

You say that was made up by Mr. Emery?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. In his office?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. By whom was that list, as made up by Mr. Emery, carried to Mr. Gardner?

Mr. MULHALL. I carried it to Mr. Gardner.

The CHAIRMAN. Now, you say these others were made up by you and Mr. Emery jointly.

Mr. MULHALL. Yes, sir; I would not say all of them, but the important ones, down to maybe four or five.

The CHAIRMAN. Will you take that and point out the subcommittees of this committee that were made up by Mr. Emery and yourself in conjunction?

Mr. MULHALL (examining the list referred to). No. 2, No. 4, and No. 7 I am sure of, and I think No. 8.

The CHAIRMAN. No. 2, No. 4, and No. 7?

Mr. MULHALL. And No. 8, if I am not mistaken.

The CHAIRMAN. No. 2 has been read. [Reading:]

No. 4. Competition of penal labor: Mr. Taylor, Mr. Gardner, Mr. Bartholdt, Mr. Rainey, and Mr. Floyd.

No. 7. Labor of women and children: Mr. Allen, Mr. Hawley, Mr. Bartholdt, Mr. Floyd, and Mr. Nicholls.

You are positive that those three were made up in Mr. Emery's office?

Mr. MULHALL. Yes, sir; as near as I can remember.

The CHAIRMAN. No. 2 by Mr. Emery and Nos. 4 and 7 by you and Mr. Emery in conjunction?

Mr. MULHALL. Yes, sir; in fact, Mr. Emery and I went over the entire list and suggested it; I suggested it to Mr. Gardner.

The CHAIRMAN (reading):

No. 8. Protection of laborers in mines—

You think this was made up by you?

Mr. MULHALL. Yes, sir.

The CHAIRMAN (continuing):

Mr. Madison, Mr. Hawley, Mr. Smith, Mr. Nicholls, and Mr. Hughes.

Now, of course this is diverting the matter a little—in fact, diverting it considerably—but while we are on that point I want to ask you this question: Had you talked with Mr. Gardner prior to the time this was made up about permitting it to be made up in this way?

Mr. MULHALL. Yes, sir; I did.

The CHAIRMAN. And had he agreed to it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. What did he say about that?

Mr. MULHALL. Mr. Gardner, after the campaign of 1908, was very subservient to anything that was said to him. I could not just go into the details. Those [handing some cards to the committee] are the cards that Mr. Stafford wanted.

The CHAIRMAN. The cards that were called for a few days ago?

Mr. MULHALL. The last day I was on the stand, if I am not mistaken.

The CHAIRMAN. These are the different cards you used——

Mr. MULHALL. While in the field doing field work.

The CHAIRMAN. Here is one card, which reads:

Col. M. M. Mulhall, Baltimore, Md.

Mr. MULHALL. That is the card I had been using under the Cushing administration.

The CHAIRMAN. Here is another card, which reads:

National Association of Manufacturers, 170 Broadway, New York; Col. M. M. Mulhall.

When was that card used?

Mr. MULHALL. That was used from the time I started in with Mr. Van Cleave until I left the service.

The CHAIRMAN. Another card reads:

Republican congressional committee, St. James Building, New York City; Col. M. M. Mulhall.

and the others are duplicates of those. This last card——

Mr. MULHALL. This congressional committee card and the National Association of Manufacturers' card were both printed—not printed but furnished me by the secretary of the National Association of Manufacturers. He had them printed—Mr. Boudinot.

The CHAIRMAN. Now let us get back to the Gardner matter for a moment. You say Mr. Gardner agreed in advance that these committees should be made up by you gentlemen; that he would follow your suggestions?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And when you communicated it to him you say he did follow your suggestion and appointed those committees in accordance therewith?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Now, Colonel, this letter dated February 11, 1910, injects into this inquiry one of the most important questions that this committee has to deal with. While it may not be exactly appropriate at this point, I want to call your attention to it. I read from this letter:

That he had appointed the subcommittees of the Labor Committee as we wished him to do.

The inquiry I want to make of you is whether the National Association of Manufacturers were close enough to the Labor Committee and the Judiciary Committee—although that is not involved—so that they had the power to dictate what members of the committee should be appointed upon subcommittees?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And was that done?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And did you say on this occasion that you had had, or your associates, such information from Mr. Gardner that you were able to say to him that you wanted these men put upon a subcommittee that this eight-hour bill should be referred to?

Mr. MULHALL. Yes; I positively say that.

Mr. CLINE. And he referred that bill to that subcommittee at your request?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Was that a part of the scheme and purpose of the National Association of Manufacturers to control legislation?

Mr. MULHALL. To kill bills in committees; yes, sir; at all times.

Mr. CLINE. Then I read along a little further here. It says:

This makes it almost impossible to get this bill out of committee at this session.

Mr. MULHALL. Yes, sir.

Mr. CLINE. Was that because these men were opposed to reporting that bill out of the subcommittee?

Mr. MULHALL. That bill was referred to that committee when they knew about its constitutionality, that the bill would be constitutional, and they referred it to that committee so that the committee would not pass on that, and that committee never did pass on it, as far as I remember.

Mr. CLINE. That was one of the methods that have been employed by the National Association of Manufacturers to defeat legislation?

Mr. MULHALL. Yes, sir.

Mr. CLINE. You say a little further along in this letter:

* * * if we can beat them in their next effort for a meeting next Tuesday, I feel that we are safe for the balance of the winter.

How did you propose to beat them?

Mr. MULHALL. To keep the Republican members away from the committee room.

Mr. CLINE. Away from attending the subcommittee meetings?

Mr. MULHALL. It wasn't a subcommittee. That refers to a meeting of the full committee.

Mr. CLINE. That refers to a meeting of the full committee?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Do you think under your influence you controlled, as a representative of the National Association of Manufacturers, any of the members belonging to the Committee on Labor to keep them away and break a quorum?

Mr. HULHALL. Through the influence of certain Members of the House; yes.

Mr. CLINE. You did do that?

Mr. MULHALL. On different occasions. Three occasions, to my knowledge.

Mr. CLINE. Did you do that on your motion, or under the direction of the National Association of Manufacturers?

Mr. MULHALL. I had no motion of my own. I was acting generally under the instructions of the gentleman who is sitting in the chair over there, Mr. Emery, and he knew of it.

Mr. CLINE. Was that a part of the entire instructions of Mr. Emery?

Mr. MULHALL. That was a part of the entire instructions, as you will see if you take the correspondence.

Mr. CLINE. I am not speaking of Mr. Emery personally. I referred to him in a representative capacity, of course. You tell this committee that this method was pursued by the National Association

of Manufacturers while you were working for it, and up to the time you quit?

Mr. MULHALL. Yes, sir; at all times. I make that emphatic.

Mr. RUSSELL. Who was Mr. Kirby? What was his connection with the National Association of Manufacturers?

Mr. MULHALL. He was president of the organization from 1909 to the time I left the organization. I do not know anything about that afterwards.

Mr. RUSSELL. This particular letter making this report, which has just been referred to, was written by you to the president of the association?

Mr. MULHALL. Yes, sir.

Mr. RUSSELL. So that he must have known at that time exactly what was being done?

Mr. MULHALL. He did, at all times, through reports.

Mr. RUSSELL. That is all.

Mr. WILLIS. Whom did you keep away from this particular committee meeting to which you just referred?

Mr. MULHALL. The Republican Members, as near as I can understand. If you will take the list there I can point it out to you.

Mr. WILLIS. What Republican Members did you keep away?

Mr. MULHALL. I believe at one of the meetings one kept away and I believe at two of the meetings two kept away.

Mr. WILLIS. Did you succeed in keeping the Democratic Members away?

Mr. MULHALL. I do not say I did myself; no, sir.

Mr. WILLIS. Did you procure it to be done?

Mr. MULHALL. I think there was influence brought to bear to keep one Member away at different times.

Mr. WILLIS. Who was it you kept away?

Mr. MULHALL. That was done through another party. I could not just say.

Mr. WILLIS. You do not know who this party was you kept away?

Mr. MULHALL. I believe you will find a letter in the correspondence that will enlighten you on that. I have not seen the letter there lately, but I believe there was one Member worked upon at different times.

Mr. WILLIS. But you do not now recall who that Member was?

Mr. MULHALL. No, sir; I do not believe my mind is clear enough to be positive about it. I might refresh my memory if I had the letters.

Mr. WILLIS. Perhaps we will come across that later. Where did you get this list?

Mr. MULHALL. That was handed to me by Mr. Shreve after it was printed, the secretary of the committee. Several lists of that kind were handed to me.

Mr. WILLIS. Do you know where the original list is which you say you and Mr. Emery made up? In what shape were they; were they written out in longhand or typewritten or how?

Mr. MULHALL. As near as I remember, it was written in longhand. It was written in Mr. Emery's hand.

Mr. WILLIS. Do you know whether a copy of it was kept?

Mr. MULHALL. I am not sure of that; no, sir. I did not keep a copy of it.

Mr. WILLIS. And you handed this list, you say, to Mr. Gardner, of New Jersey?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. All right.

Mr. FERRIS. Let me have that list a minute. Can you refresh your memory and tell us what one of these Democrats you kept away if I hand you this committee list? Would that help you any [handing paper to witness]?

Mr. MULHALL (after referring to paper). Well, I do not say that I kept them away, Mr. Ferris. I would say it was Mr. Covington, if my memory serves me right.

Mr. FERRIS. Of Maryland?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Do you recall what you said to the Republican Members and what influence you brought to bear on them?

Mr. MULHALL. I did not work that end straight on the Republican Members; I worked through Mr. Dwight, through the whip of the House. He helped on different occasions, and Mr. Gardner helped me.

Mr. FERRIS. The chairman of the Committee on Labor and Mr. Dwight?

Mr. MULHALL. Yes, sir; I believe I saw Mr. Bartholdt myself. I believe I was well acquainted with him. If you will let me have the list I might call attention to it. I would not say positively there is any on that list I remember now, outside of Mr. Gardner and Mr. Bartholdt. I saw Mr. Bartholdt on one occasion and asked him to go and on one occasion to stay away.

Mr. FERRIS. You asked Mr. Bartholdt on one occasion to stay away?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. And on the occasion you advised him to be there, was that beneficial to the National Association of Manufacturers?

Mr. MULHALL. Yes, sir. It was to outvote the Democrats.

Mr. FERRIS. And on the other occasion when you advised him to keep away, what was that for, to break a quorum?

Mr. MULHALL. To break a quorum.

Mr. FERRIS. And was that beneficial to the National Association of Manufacturers' cause?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. To prevent the bill from coming up?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. How did you work on Mr. Vreeland?

Mr. MULHALL. I remember Mr. Emery had taken an active interest in his behalf.

Mr. FERRIS. Did he work on him any in this case?

Mr. MULHALL. I can not say that, sir.

Mr. FERRIS. Did Dwight work on any?

Mr. MULHALL. Mr. Dwight reported to me, told me he worked on two Members, so the Members would not be present when called.

Mr. FERRIS. Did Dwight mention the names of the Members he saw and induced to remain away?

Mr. MULHALL. He mentioned the names on the list, if I am not mistaken.

Mr. FERRIS. You mentioned a man who was invited to stay away.

Mr. MULHALL. Yes. Once Mr. Allen, in order that he would not make a quorum, by being misinformed in some way, but when he saw all the Republican Members leave he left the committee and said he had another meeting to attend, and Mr. Rainey took the floor at that time and berated the chairman and abused him very severely.

Mr. FERRIS. When Allen got out he broke a quorum, did he, and Rainey got up and berated the Republicans?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Who appointed that committee in the Sixty-first Congress?

Mr. MULHALL. I judge Speaker Cannon.

Mr. FERRIS. That was while Speaker Cannon was Speaker in the Sixty-first Congress and John J. Gardner was chairman of the Labor Committee; is that correct?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Have you had anything to do with the committee since we begun electing them by the House?

Mr. MULHALL. I do not quite get that.

Mr. FERRIS. Did your services reach over into the Sixty-second Congress when the Democrats got in control?

Mr. MULHALL. Not to any extent.

Mr. FERRIS. Not to any extent?

Mr. MULHALL. No, sir.

Mr. FERRIS. Do you know whether or not any conditions of this kind existed after the committees were elected by the House?

Mr. MULHALL. I know I saw Mr. Gardner and others on the committee, Republican Members, and coaxed them to stay on, but I had nothing to do with making up the Democratic Members—used no influence of any kind, shape, or form.

Mr. FERRIS. Did McMichael give you any information about keeping them away, as chief page?

Mr. MULHALL. No, sir; I don't think so.

Mr. FERRIS. Did McDermott give you any information about keeping them away?

Mr. MULHALL. I am not sure on Covington, but I think he said—I think he informed me Mr. Covington would not be present on one occasion.

Mr. FERRIS. You think Mr. McDermott informed you Mr. Covington would not be present on one occasion?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Were Mr. Covington and Mr. McDermott on intimate terms?

Mr. MULHALL. I could not say that.

Mr. FERRIS. You do not know about that?

Mr. MULHALL. No, sir.

Mr. FERRIS. Where did Mr. McDermott inform you he had spoken to Mr. Covington and he had agreed to remain away?

Mr. MULHALL. I think I was busy at that time in relation to finding out whether there would be a quorum of the committee or not, and dropped in Mr. McDermott's office.

Mr. FERRIS. Did you carry on operations there—did you do some telephoning and working on the committee from Mr. McDermott's office?

Mr. MULHALL. No, sir. I frequently used Mr. McDermott's phone in his office, but I don't know I done it in relation to committee work. I used it in telephoning down to Mr. Emery's office.

Mr. FERRIS. Did you explain to Mr. McDermott what you were doing in trying to break a quorum?

Mr. MULHALL. I may have informed Mr. McDermott, but I knew Mr. McDermott knew what headquarters were trying to carry through.

Mr. FERRIS. Did he know you were trying to keep any Republicans away, and any Democrats you could, in that Congress to defeat the eight-hour bill?

Mr. MULHALL. On one occasion, I believe, a quorum was broken by Mr. Covington staying away. Mr. Covington came in, since my memory has been refreshed a little bit, right after the committee adjourned, and Mr. Rainey attempted to call another meeting of the committee and to hold Allen, and that is where the row in the committee occurred.

Mr. FERRIS. Did Mr. Allen remain?

Mr. MULHALL. No, sir; he left.

Mr. FERRIS. He left anyway, did he?

Mr. MULHALL. Yes.

Mr. FERRIS. You are sure, are you, that Mr. McDermott knew that you were working on these Republican members to break a quorum?

Mr. MULHALL. I believe he was; yes, sir; I am sure of it.

Mr. FERRIS. What gives you that assurance?

Mr. MULHALL. My daily interviews with him. I mean my interviews with him at that time, at different times, whenever I met him and saw him. I had information from him concerning what the workings of that committee were, on the Democratic side of it, and he would keep me in touch with what information he could pick up concerning the Democratic members.

Mr. FERRIS. Did you have this room in the basement of the Capitol during this time?

Mr. MULHALL. No, sir; I don't think we did. I don't think we did have that room in the basement of the Capitol until after 1911.

Mr. FERRIS. You did not have that then?

Mr. MULHALL. No, sir.

Mr. FERRIS. You were carrying on your conferences in Mr. McDermott's office?

Mr. MULHALL. I met him coming off the floor on frequent occasions, and when I sent for him—at all times when I sent for him he would come out, and I would have short interviews in the hall. He did not like that. That is the reason he got the room in the Capitol.

Mr. FERRIS. You did not talk with Harry Covington personally?

Mr. MULHALL. I never had, to my knowledge, but two interviews with Mr. Covington.

Mr. FERRIS. Was it in reference to labor matters?

Mr. MULHALL. No, sir. The interview with Mr. Covington on one occasion was to invite him to go to the Indianapolis convention, and I think another time about a fight on some labor measures.

Mr. FERRIS. Do you know, then, that Mr. Covington had a preconceived plan to stay away and break a quorum?

Mr. MULHALL. Not to my knowledge: no, sir; not to my own knowledge; no, sir.

Mr. FERRIS. You do not know that to be true?

Mr. MULHALL. No, sir; not to my knowledge.

Mr. FERRIS. You did have some conversation with Congressman Richard Bartholdt, didn't you?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. One with reference to staying away and one with reference to going?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. What did Congressman Bartholdt say to you when you asked him to remain away to help break a quorum so that there would be no meeting?

Mr. MULHALL. That he done very willingly.

Mr. FERRIS. He was agreeable to that?

Mr. MULHALL. Yes, sir. At the time I asked him to go he showed me a lot of letters he got from St. Louis. He was anxious not to go—not to be present at the meeting of the committee.

Mr. FERRIS. Did he give the reasons why?

Mr. MULHALL. The letters he got from his constituents in St. Louis.

Mr. FERRIS. From labor people?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Did he finally go?

Mr. MULHALL. No, sir; I think he stayed away on that occasion.

Mr. FERRIS. He stayed away on the occasion you tried to get him to go?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. And so he did not coincide with your views on that occasion?

Mr. MULHALL. No, sir. If you will read the reports on that subject I think they will illuminate the committee a good deal, because he was berated, I think, for staying away.

Mr. WILLIS. Who told you he had influenced Mr. Covington to stay away from that meeting?

Mr. MULHALL. Who informed me?

Mr. WILLIS. Yes.

Mr. MULHALL. I think, as near as I can get from the correspondence I got, there was influence brought to bear from a Baltimore organization, what they called the "Builders' Exchange of Baltimore." I have got several letters in my correspondence to that effect.

Mr. WILLIS. It was not because of any conversation you had with Mr. Covington?

Mr. MULHALL. No, sir.

Mr. STAFFORD. What was the purport of that correspondence from the builders' exchange?

Mr. MULHALL. I can not just go into the details now, Mr. Stafford, about that, but you can easily find the letter in the correspondence now.

Mr. STAFFORD. From the two interviews you had with Mr. Covington, there was nothing to lead you to believe he was under the control of any organization?

Mr. MULHALL. At my first interview with Mr. Covington in relation to visiting the Indianapolis convention he was friendly, and at my second interview with Mr. Covington—I don't remember whether

I had one, two, or three; I may have had three interviews with Mr. Covington—he was not so friendly. When I went into his office he was quite cold, and I do not know whether I did call, for a certainty, after that or not.

Mr. STAFFORD. You were not on close relations with Mr. Covington so you could get any information as to what his attitude was on different legislation?

Mr. MULHALL. No, sir. I generally considered Mr. Covington could not be approached by myself.

Mr. STAFFORD. He was not that type of a man at all?

Mr. MULHALL. I did not think he was.

Mr. STAFFORD. Where was this meeting at which this list was prepared by Mr. Emery, or with you as an aid?

Mr. MULHALL. In Mr. Emery's office, rooms 11 and 13, Union Trust Building.

Mr. STAFFORD. When was that?

Mr. MULHALL. Well, I am not clear on that. I think the correspondence will show that, Mr. Stafford.

Mr. STAFFORD. This letter I wish to question you about bears date February 11, 1910.

Mr. MULHALL. If you will read the letter, it would enlighten me some as to just the exact date.

Mr. STAFFORD. You have it before you. There is no use encumbering the record by reading it.

Mr. CRIM. Will you give me the number of it?

Mr. STAFFORD. 3564.

The CHAIRMAN. The one we have just read?

Mr. STAFFORD. It has just been read.

Mr. MULHALL (after examining paper). I should judge by this letter that it was around the 1st of February, in 1910.

Mr. STAFFORD. Is that the first time you called upon Mr. Emery about that matter?

Mr. MULHALL. I would not say it was, because we frequently used to talk about the make-up of the committees, and such like as that, and the legislation.

Mr. STAFFORD. As to this make-up of the committees on this occasion, is that when you first spoke to Mr. Emery?

Mr. MULHALL. I would not say it was. I would say I had frequent interviews with Mr. Emery—every day I came over—upon legislation with reference to controlling legislation.

Mr. STAFFORD. Upon this occasion, when these committees were prepared, as you claim, when was the first meeting held? From this letter you ought to be able to refresh your memory.

Mr. MULHALL. I would say, as near as I could, from this letter, around the 1st of February, 1910.

Mr. STAFFORD. That was when you first took the subject up with Mr. Emery?

Mr. MULHALL. I can not say at that time, but around that time.

Mr. STAFFORD. Was anybody in the office, as you recall?

Mr. MULHALL. I don't think anybody was in the office, because Mr. Emery's secretary—she would be in another office.

Mr. STAFFORD. What was said at that time? Was there only one meeting, or more than one meeting when this matter was to be considered for the framing of these committees?

Mr. MULHALL. I don't remember whether there was one meeting or more. If my memory serves me, I would say there was not more than one meeting.

Mr. STAFFORD. Not more than one meeting?

Mr. MULHALL. Yes.

Mr. STAFFORD. Tell the committee what the conversation was on that occasion.

Mr. MULHALL. I can not go into the exact conversation at the present time.

Mr. STAFFORD. It was a very important matter, the matter of the framing of the committee, for you?

Mr. MULHALL. Mr. Emery made suggestions all along about putting Mr. Vreeland onto this committee, because Mr. Emery at times—I didn't know Mr. Vreeland—said he was extremely friendly to Mr. Vreeland and I seen him in Mr. Vreeland's company.

Mr. STAFFORD. That conversation took place about this committee?

Mr. MULHALL. I think it did.

Mr. STAFFORD. To put Mr. Vreeland on this committee?

Mr. MULHALL. As chairman of the subcommittee.

Mr. STAFFORD. Oh, as chairman of the subcommittee?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Was anything else said as to the framing of the committee?

Mr. MULHALL. I think Mr. Emery suggested Mr. Madison.

Mr. STAFFORD. So that from your best recollection there was only one meeting with Mr. Emery when these committees were suggested?

Mr. MULHALL. Yes. I think there would not be more than one meeting, because I know I had frequent interviews with Mr. Gardner about the subject, and I think the matter was pretty well arranged when I had the interview with Mr. Emery.

Mr. STAFFORD. Prior to this occasion do you recall any other meeting with Mr. Emery as to the framing of any committees?

Mr. MULHALL. I have had interviews with Mr. Emery, or frequent meetings took place. I could not go into the details just now; I would not be clear on that.

Mr. STAFFORD. You would not be clear on such an important matter? Do you recall having any meeting with Mr. Emery prior to this time?

Mr. MULHALL. I had meetings with Mr. Emery every day, in his office.

Mr. STAFFORD. As to the make-up of committees?

Mr. MULHALL. I said Mr. Emery and I had talked to Mr. Watson as to the relations of the Judiciary Committee—the appointment of two members and the removal of two others on that Judiciary Committee.

Mr. STAFFORD. About this same time?

Mr. MULHALL. No; it was prior to that.

Mr. STAFFORD. How long before?

Mr. MULHALL. I think it was done in 1908, if I am not mistaken. We wanted Pearre removed and another Member put on in his place, or, I think, to have Pearre and some one else removed and Bannon and somebody else put on; I am not sure of the names just now.

Mr. STAFFORD. One other question: Do you recall any other meeting in 1910, prior to the time you talked the matter over with him of the make-up of the committees?

Mr. MULHALL. I know we talked about the make-up of committees, and if anything like that was suggested or brought to my attention, to report to Mr. Emery. My mind is not clear on the details of the matter just now, but I think my reports will bear me out on that, Mr. Stafford.

Mr. STAFFORD. Did Mr. Emery on any other occasion furnish you with a list of the members of the subcommittees of the House of Representatives, other than on the occasion you now speak about?

Mr. MULHALL. To the best of my knowledge and belief, I would say yes.

Mr. STAFFORD. When, and of what committees?

Mr. MULHALL. I am not sure now. I know Mr. Emery consulted me about every move that took place concerning committees and everything. To my knowledge now, I can't recall just at this time when they were requested.

Mr. STAFFORD. This is the only occasion you recall Mr. Emery having written a list of the subcommittees?

Mr. MULHALL. Yes, sir. I reported to Mr. Emery they would appoint a subcommittee to suit us.

Mr. STAFFORD. That is the only occasion?

Mr. MULHALL. Yes, sir; the only occasion that is clear to my mind.

Mr. STAFFORD. As far as you are able to recall?

Mr. MULHALL. I could not give the details; yes.

Mr. STAFFORD. You do not recall any after February, 1910, when Mr. Emery gave you a list of the members for committees?

Mr. MULHALL. I can not recall that. We might have had conversations about the make-up of committees.

Mr. STAFFORD. But he never gave you a list?

Mr. MULHALL. No, sir; not to my knowledge; not just now. My mind is not quite clear on that.

Mr. STAFFORD. You had talks even after February, 1910, as to the make-up of committees?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. When was that?

Mr. MULHALL. Well, I think the committee ought, to be enlightened on that subject, read about this little affair that occurred over on the Senate side the other day in relation to Mr. Underwood.

Mr. STAFFORD. I always observe the rule to pay special and only attention to House affairs, so I am not acquainted with that.

Mr. MULHALL. You are asking me about the make-up of committees. I am not trying, Mr. Stafford, to evade anything; but I am not going to testify about anything my mind is not clear on. I will try to help you in any way I can to unravel this subject.

Mr. STAFFORD. This is a very important subject.

Mr. MULHALL. Yes, I know; and I always mean to be exact concerning it; but as near as I remember I can not recall when Mr. Emery wrote up a list and submitted it to me, except on that occasion, now.

Mr. STAFFORD. Just what is that Senate incident you refer to?

Mr. MULHALL. I know just about what Mr. Emery's correspondence shows on that subject, and my correspondence on it; and if you wish it, I have the matter in my pocket here and I will read it.

Mr. STAFFORD. What have you in your pocket?

Mr. MULHALL. Copies of the Underwood letters, and things like that.

Mr. STAFFORD. You have the printed testimony?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. They are already in the record, so there is no necessity of encumbering the rceord with it again. This list here is the usual printed list that is issued by the various committees of the House and the subcommittees that have been appointed?

Mr. MULHALL. I judge so.

Mr. STAFFORD. I think that is all.

Mr. RUSSELL. There is one question occurred to me I would like to ask. You spoke once about a number of persons that frequently met down at Fritz Reuter's. Mr. Garrett called your attention to three names and you did not remember ever seeing them there. I want to ask whether any Members of Congress except Mr. McDermott was one of the party?

Mr. MULHALL. No, sir; not of the McDermott party; no, sir.

Mr. RUSSELL. For the purpose you are referring to, there were no Members of Congress in that party?

Mr. MULHALL. Not that party, outside of Mr. McDermott.

Mr. RUSSELL. All right.

Mr. WILLIS. Mr. Mulhall, in this matter of influencing the appointment of committees, a few minutes ago you referred to the action of Mr. Watson in having certain persons removed from the Judiciary Committee and others appointed?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. To refresh your memory in that particular I call your attention to an article in the New York World of June 29, and read the following paragraph:

> He had, at the request of Mr. Emery and himself, three active members of the House Judiciary Committee removed. Among the three removed was Mr. George Pearre, who introduced the Pearre injunction bill, which was very obnoxious to the manufacturers; and, in the place of the three men removed three very subservient members were appointed—Mr. Vreeland, of New York, and Mr. Bannon, of Ohio, being two of them. So this committee was fixed from that time on to make it impossible to get any legislation through unless it was O. K'd by the National Association of Manufacturers.

Did you write that, Mr. Mulhall?

Mr. MULHALL. Is that in my statement?

Mr. WILLIS. That is in your statement.

Mr. MULHALL. Then I wrote it.

Mr. WILLIS. In the New York World of June 29. Now, who is this who, at the request of Mr. Emery, had had these members removed?

Mr. MULHALL. I understood it was done through Mr. Watson.

Mr. WILLIS. Now, the heading of this article is, "How Congressman Watson discharged an obligation."

What obligation was he under that he was now discharging?

Mr. MULHALL. My efforts, and the efforts of the members of the organization in entering in his campaign for the nomination of governor and his election.

Mr. WILLIS. In what year was he a candidate for governor?

Mr. MULHALL. In 1907 and 1908.

Mr. WILLIS. 1907 and 1908. Then, Mr. Vreeland was appointed and Mr. Bannon was appointed—those two gentlemen were appointed on the Judiciary Committee subsequent to his candidacy for governor?

Mr. MULHALL. I believe so, and I believe after the nomination was secured.

Mr. WILLIS. But at any rate it was after 1908; that is what I am driving at.

Mr. MULHALL. Yes, sir.

Mr. WILLIS. These men were appointed to discharge a political obligation, as you understand?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. Then, Mr. Chairman, I invite your attention to the fact, as shown in the Congressional Record, volume 41, page 108, that Mr. Bannon was appointed a member of the Judiciary Committee on December 6, 1906, two years before Mr. Watson was a candidate for governor, so that it could hardly be that this appointment was made to discharge an obligation that was not incurred until two years afterwards.

I also submit for publication in the record a complete list of the Judiciary Committee of the House of Representatives from the Fifty-sixth Congress down to and including the Sixty-first Congress, which shows that Mr. Vreeland never was at any time a member of the Committee on Judiciary of the House of Representatives.

Mr. MULHALL. I might be mistaken in those names. I might not be clear on that now, but I might say this, that my information in relation—it may be that at that time it was not quite clear in my memory, coming from Mr. Emery's office. But I will say this, if you will follow up the correspondence, you will find, and Mr. Pearre has verified that statement under oath, that he was removed and others appointed in his place. I am not sure of the names.

The CHAIRMAN. That will be printed, Mr. Willis.

(The paper produced by Mr. Willis is as follows:)

MEMBERS OF JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

Fifty-sixth Congress.

George W. Ray, of New York.
John J. Jenkins, of Wisconsin.
Richard Wayne Parker, of New Jersey.
Jesse Overstreet, of Indiana.
De Alva S. Alexander, of New York.
Vespasian Warner, of Illinois.
Winfield S. Kerr, of Ohio.
Charles E. Littlefield, of Maine.
Romeo H. Freer, of West Virginia.
Julius Kahn, of California.
William L. Terry, of Arkansas.
David A. De Armond, of Missouri.
Samuel W. T. Lanham, of Texas.
William Elliott, of South Carolina.
David H. Smith, of Kentucky.
William H. Fleming, of Georgia.
Henry D. Clayton, of Alabama.
Oscar W. Underwood, of Alabama.

Fifty-seventh Congress.

Lot Thomas, of Iowa.
Samuel L. Powers, of Massachusetts.
Robert M. Nevin, of Ohio.
Henry W. Palmer, of Pennsylvania.

Fifty-eighth Congress.

George A. Pearre, of Maryland.
J. N. Gillette, of California.
Robert L. Henry, of Texas.
John S. Little, of Arkansas.
William C. Brantley, of Georgia.

Fifty-ninth Congress.

Chares Q. Tirrell, of Massachusetts.
John A. Sterling, of Illinois.
Benjamin P. Birdsell, of Iowa.
John H. Foster, of Indiana.
Henry T. Bannon, of Ohio.

Sixtieth Congress.

Reuben O. Moon, of Pennsylvania.
Gerrit J. Diekema, of Michigan.
George R. Malby, of New York.
Henry S. Caulfield, of Missouri.
Charles C. Reed, of Arkansas.
Edwin Y. Webb, of North Carolina.
Edwin W. Higgins, of Connecticut.

Sixty-first Congress.

Herman P. Goebel, of Ohio.
Edwin Denby, of Michigan.
Paul Howland, of Ohio.
Frank M. Nye, of Minnesota.
William P. Sheffield, of Rhode Island.
Charles C. Carlin, of Virginia.
John J. Mitchell, of Massachusetts.

Mr. Bannon was appointed December 6, 1906. (See Congressional Record, vol. 41, p. 108.)

Mr. WILLIS. In view of what I have just read, do you still think Mr. Vreeland was appointed on the committee?

Mr. MULHALL. I understood so at that time; yes, sir.

Mr. WILLIS. Yet the record shows he never was a member of the committee at any time while he was in Congress.

Mr. MULHALL. Then I would like to apologize to Mr. Vreeland for writing that statement.

Mr. WILLIS. And Mr. Bannon was appointed two years before the alleged obligation was incurred.

Mr. MULHALL. I am not sure of that. I know Mr. Bannon was on the committee, and I know he was one of the principal subservient members of the organization, and I know he took an active interest in its behalf, and I know further he took an active interest in breaking a strike, which this correspondence all shows:

Mr. STAFFORD. At what time was that, Mr. Mulhall?

Mr. MULHALL. In 1909.

Mr. STAFFORD. Was he a Member of Congress?

Mr. MULHALL. I am not sure whether he was a Member then or not. I think the correspondence will show whether he was or not. I am not positive on that. If you gentlemen will take the correspondence and read it to me when you ask these questions, I won't make the mistakes Mr. Willis has called attention to.

Mr. STAFFORD. You have the correspondence there before you.

Mr. MULHALL. I made reports on that when my memory was very clear.

Mr. STAFFORD. I was asking you to find out whether Mr. Bannon at that time was a Member of Congress, because I recall distinctly that Mr. Bannon retired from Congress some four years ago.

Mr. MULHALL. If you will take the Bannon correspondence I think you will see that that bears out the statement I am making.

Mr. STAFFORD. I do not think the correspondence gives us any information as to whether Mr. Bannon was then in Congress or not. It was in 1909, after he had left Congress, on March 4.

Mr. MULHALL. I believe he had severed his relations in 1909. I believe he was not a Member of Congress.

Mr. STAFFORD. Practicing law in Portsmouth, Ohio.

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. And the strike took place in his home city?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Gentlemen, we have roamed very far afield.

Mr. MULHALL. Mr. Chairman, as suggested to me by my counsel, I would not say that the date was 1908. I will not say in 1908. I think if Mr. Willis will show the same energy as these other men, to find out who these three men were, you will find it will verify my statement that there were three removed and three others put on at the suggestion of the National Association of Manufacturers.

Mr. WILLIS. If I may suggest there, no member of the committee has any information about that document, except from your memory.

Mr. MULHALL. I think if you would put Mr. Watson on the stand, his memory will be clear on that.

Mr. WILLIS. The record shows these two men could not have been the men, anyway.

Mr. MULHALL. These two men might not be the men. I think Mr. George Pearre has a memory which is strictly clear on that subject, because I have talked to him on the Senate side. I think his memory is strictly clear, and I think he wants to go on the stand.

The CHAIRMAN. It is expected there will be a session of the House to-morrow, and I believe there will be a subject up for consideration in which some members of the committee are interested, and that would make it desirable for us to recess at noon, and consequently we will meet at 10 o'clock to-morrow morning.

(Thereupon, at 5.55 o'clock p. m., the committee adjourned until to-morrow, Friday, August 22, at 10 o'clock a. m.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Friday, August 22, 1913.

The committee met at 10 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, Willis, and Nolan.

TESTIMONY OF MARTIN MICHAEL MULHALL—Continued.

The CHAIRMAN. Mr. Mulhall, I direct your attention to Senate print No. 3717–3735, which seems to be a report made by you to Mr. Kirby under date of May 25, 1910, in which there is a quotation of a letter, apparently received from Mr. James A. Emery, under date of May 24, 1905. I will read the whole letter.

Mr. WILLIS. Mr. Chairman, I think there is a mistake in the number of that letter. The letter that the Chair is about to read is No. 3716.

The CHAIRMAN. 3717 it is marked on my memorandum.

Mr. WILLIS. The letter the Chair is about to read is 3716, page 7 NJ.

The CHAIRMAN. That is correct, and I was also correct. No. 3716 is quoted in No. 3717.

Mr. WILLIS. On what page?

The CHAIRMAN. On page 12 NJ.

Mr. WILLIS. That is right.

The CHAIRMAN. 3716 on page 12 NJ and in 3717 are the same letter [reading]:

NATIONAL COUNCIL FOR INDUSTRIAL DEFENSE,
Washington. D. C., May 24, 1910.

Col. M. M. MULHALL,
Hotel Willard, Washington, D. C.

MY DEAR COLONEL: I am very much surprised to find that you will not be here at 5, as your failure to see me during the day has very much delayed important action.

The report abroad concerning the reporting of the Moon bill is false. McMichael first made the statement to me, but investigation shows it to be without any foundation in fact.

I understand that you have been busy concerning the caucus called some time ago for to-night to consider the postal savings-bank bill and the amendment thereto; otherwise I would endeavor to reach you to-night, as the action of several of our officers is dependent upon your information.

Please be at the office around 9.30 in the morning without fail.

I am, very respectfully, yours,

JAMES A. EMERY.

I direct your attention to the second paragraph, "The report abroad concerning the reporting of the Moon bill is false. McMichael first

made the statement to me, but investigation shows it to be without any foundation in fact." What explanation can you give of that, Colonel? You received that letter, did you, from Mr. Emery?

Mr. MULHALL. Yes, sir; I received that letter from Mr. Emery. The report on that Moon bill—there was one of the general managers here at that time, and there was some feeling between Mr. Emery and me.

The CHAIRMAN. The general manager of the National Association of Manufacturers?

Mr. MULHALL. Yes, sir; Mr. Bird. To show Mr. Bird how well Mr. Emery was posted on matters of that kind, I had McMichael phone to Emery's office that the Moon bill had come out of the committee—I mean, passed the House. The Moon bill that he phoned about was a bill, I think, on the deepening of the Delaware River. Mr. Emery was under the impression that that was the bill on the revision of the laws, and so he claimed that the statement that McMichael made was false. It was just a little simple trick played on Mr. Emery.

The CHAIRMAN. Then, do I understand you that it was done in an effort to show Mr. Bird that Mr. Emery did not know what was transpiring—to give him that impression?

Mr. MULHALL. I am under the impression that for the first two years the most of Mr. Emery's work consisted in getting the Congressional Record, having bills sent to his office, and passing upon bills, and writing letters to members of the organization.

The CHAIRMAN. The particular purpose of this matter, the explanation of this reference here to Mr. McMichael is that at that time, if I understand you, at your suggestion, McMichael telephoned to Emery that the Moon bill had been reported out?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And that was not the Moon bill in which Emery was interested, as I understand?

Mr. MULHALL. No, sir.

The CHAIRMAN. And it was done in an effort to convince Mr. Bird that Mr. Emery did not know what was going on?

Mr. MULHALL. Yes, sir: that is about correct.

The CHAIRMAN. No. 3779–3784 appears to be a report from you to Mr. Kirby under date of June 4, 1910, from which I quote the folfowing from page 17 N J, about the middle of the page:

> After leaving Mr. Emery's office I went to the Capitol and received a brief report from my labor friends and was handed the following written statement: "The sundry civil bill now before the House, page 116, at the end of the bill, on page 184, Mr. Hughes, of New Jersey, has an amendment on the eight-hour law to be offered; every effort is being made to get your men in, so that the amendment can be defeated. Notice has been given all Republicans to be on hand to vote with the chairman, Tawney, against same going into the bill. I will look after the end of keeping the other side away."

I invite your attention particularly to that quotation. From whom did you receive that note?

Mr. MULHALL. That note was brought to me by Mr. McMichael at the request of Mr. McDermott.

The CHAIRMAN. I will ask you to state whether the entire matter therein quoted which is in the fine print on that page which you have before you was on that note or is a part of that note; in other words, is that the entire note?

Mr. MULHALL. I believe that is the entire note.

The CHAIRMAN. Was the original of this note filed over in the Senate committee?

Mr. MULHALL. Yes, sir; I am positive it was filed. That note was given to me about 10 days before this matter came up upon the floor, and we knew that that amendment was to be offered to the sundry civil bill for that period of time.

The CHAIRMAN. You say it was given you, and you feel positive that all which is in the fine print was on the note, do you?

Mr. MULHALL. Yes, sir; that is as near as I can remember the note without seeing it.

The CHAIRMAN. Mr. McMichael has testified, if I recall, that his impression is that the only thing that was on the note which he wrote and handed to you was this, "The sundry civil bill now before the House, page 116, at the end of the bill, on page 184"; his impression was, so he testified, if I remember correctly, that that was all that was on the note which he handed to you, and that the other language there he did not write and was not responsible for.

Mr. MULHALL. If my memory serves me, I differ with him.

The CHAIRMAN. You think all of this was on the note?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You state that was handed to you—or was it handed to you by McMichael in person?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You said it was done at the request of Mr. McDermott. What basis have you for that?

Mr. MULHALL. Mr. McMichael's statement at the time, and Mr. McDermott's statement that evening at Fritz Reuter's, the statement which McDermott made at Fritz Reuter's, when he wanted to know if I got the note which he sent through McMichael.

The CHAIRMAN. Did Mr. McDermott write the note or was it in Mr. McMichael's handwriting?

Mr. MULHALL. I am not clear on that subject. I am not sure whose handwriting it was in without seeing the note.

The CHAIRMAN. Mr. Easby-Smith, was there a request for this original note contained in your request which you filed with me this morning?

Mr. EASBY-SMITH. It was not, Mr. Chairman, and when you reached that point just now I made a memorandum to ask you to get the original at a later time, when it would not interrupt the proceedings.

The CHAIRMAN. Mr. Mulhall, you are positive that was filed with the Senate committee?

Mr. MULHALL. Yes, sir; those notes were filed in the Senate.

The CHAIRMAN. The original note which you received?

Mr. EASBY-SMITH. Mr. Chairman, I was simply delaying asking for that original so that I would not interrupt your proceedings. I had intended to ask for the original of that note a little later.

The CHAIRMAN. Now, Col. Mulhall, I was asking you what statement Mr. McDermott made at Fritz Reuter's that afternoon or evening about this matter?

Mr. MULHALL. I think he requested me, as I stated before—he wanted to know if I got the note, the information that he gave McMichael about the rider on the sundry civil bill.

The CHAIRMAN. Do you remember what that rider was?

Mr. MULHALL. Yes, sir. It was an eight-hour amendment which, I believe, was offered by Mr. Kendall, introduced by him at the request of Mr. Hughes.

The CHAIRMAN. You feel sure you are correct about that—that it was an eight-hour amendment?

Mr. MULHALL. As near as my memory serves me now, I think so. But I think if you take that report it will inform you on that subject.

The CHAIRMAN. This was on the sundry civil bill?

Mr. MULHALL. Yes, sir; I am pretty near positive.

The CHAIRMAN. It says so here—that it was the sundry civil bill.

Mr. MULHALL. Yes, sir; I am pretty certain of that.

The CHAIRMAN. Do you not know, as a matter of fact, that no eight-hour amendments were offered on the sundry civil bill? They were offered on other bills, but not on the sundry civil bill.

Mr. MULHALL. There were two amendments, one, I think, Mr. Hughes put on the naval appropriation bill. That, I think, went through. That was for the construction of battleships in the navy yard, in regard to men working an eight-hour day. I think that went through, and I think this other amendment was offered on the sundry civil bill. It was an eight-hour bill.

The CHAIRMAN. That is your best recollection of it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. In order to refresh your memory, let me ask you if you do not remember there was offered on the sundry civil bill by Mr. Hughes, of New Jersey, then a Representative, now a Senator, a proposition that no part of a certain fund appropriated for the use of the Department of Justice should be used in the prosecution of labor unions? That was the extent of his amendment. Do you remember anything about that?

Mr. MULHALL. I do know of such an amendment being offered, but I do not know to what bill. The reason why I am so positive about this eight-hour bill is because they ran along for quite a period of time before they reached page 184 in the reading of the bill, and I know it was offered by Mr. Kendall, and Judge Davenport and myself sat in the Speaker's gallery of the House, and that is my impression, that it was an eight-hour bill.

The CHAIRMAN. What does this expression mean: "The sundry civil bill now before the House, page 116, at the end of the bill, on page 184"? What is the explanation of that expression in there? Does that mean they were at page 116 in the consideration of the bill?

Mr. MULHALL. Yes, sir; and when they reached page 184 this amendment would be offered.

The CHAIRMAN. Now, the next paragraph in that letter—but first let me ask you are there any other instances in which you received a written communication in any way from Mr. McMichael or Mr. McDermott giving you information as to anything of this character?

Mr. MULHALL. Yes, sir; I think I have received some 18 or 20 notes altogether, if I am not mistaken.

The CHAIRMAN. From McMichael?

Mr. MULHALL. From McMichael; and I believe the only communication I got from McDermott there was a telegram from, I think, Bridgeport, Conn.

The CHAIRMAN. That is the only communication? That was not on the same legislation?

Mr. MULHALL. No, sir; that was about a flying machine.

The CHAIRMAN. I am asking you with reference to legislative matters. Did you ever receive any other communication from either of these men advising you about the status of legislative matters?

Mr. MULHALL. Yes, sir; there are quite a number of those notes.

The CHAIRMAN. Have they been filed?

Mr. MULHALL. Yes, sir; they are on file.

The CHAIRMAN. And printed in the Senate hearings?

Mr. MULHALL. I am not sure about that. I turned over quite a lot of notes of that kind to Senator Reed. There is one paper in particular I would like to have, and that is a list in Mr. McDermott's handwriting of manufacturers that he gave me when I went to his district in 1912, verified and written out and corrected by a Mr. Fred Job, attorney for the Employers' Association of Chicago, Ill., and that list——

The CHAIRMAN. Do you know whether that was put in evidence in the Senate?

Mr. MULHALL. Yes, sir; I handed it to Senator Reed myself.

The CHAIRMAN. I will state for your information that a few days ago, while Mr. McMichael was on the stand, and in your absence, something came out about that list in the testimony, and a request was preferred by counsel for Mr. McDermott that the original of that be procured, and the chairman of this committee addressed a letter to the chairman of the Senate committee asking for that and some other documents. The other documents were sent, and a letter from Senator Overman stated he had no recollection of any list of that character being filed, and that the clerk of the Senate committee stated that none had been filed.

Mr. MULHALL. I will testify I handed it to Senator Reed, with some additional letters and papers I found in my files. Among those additional letters and papers was this list. I showed the list to McMichael and wanted to know if he was not positive that it was McDermott's handwriting, and he stated it was.

Mr. STAFFORD. When did you hand it to McMichael to determine whether it was in McDermott's handwriting?

Mr. MULHALL. I think it was when I came back from my home in Baltimore, and I sent for him through Mr. Murphy. I should judge about six weeks ago.

Mr. STAFFORD. Since the first publication of this matter in the New York World?

Mr. MULHALL. Yes, sir. The reason I am sure about the list is because he said that is in McDermott's handwriting and it is in the handwriting of Mr. Fred Job, an attorney for the Employers' Association of Chicago.

Mr. STAFFORD. Did you have that at that time? Do I understand you——

Mr. MULHALL (interposing). That list?

Mr. STAFFORD. Did you have the original list when you submitted it to McMichael six weeks ago?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. What did you do with it after that?

Mr. MULHALL. I handed it to Senator Reed.

Mr. STAFFORD. This confidential print of the Senate documents had already been printed when this list of officers was handed to Senator Reed?

Mr. MULHALL. This list of the manufacturers? Yes, sir.

Mr. STAFFORD. You do not know whether it has been printed or not?

Mr. MULHALL. I brought over at that time about 400 additional letters.

Mr. STAFFORD. That was subsequent to the submission of this?

Mr. MULHALL. Yes, sir; that came with the additional letters.

Mr. NOLAN. I wanted to ask whether this list was with these additional letters that you testified you turned over subs equent to the confidential print.

Mr. MULHALL. Yes, sir. The reason I held the list was because I wanted to show the list to McMichael.

The CHAIRMAN. We will make an effort to locate that. We desire it very much.

Mr. NOLAN. Mr. Chairman, I think we ought to try to get a list of that additional stuff, because it seems it has not been printed. We might need it from time to time.

Mr. MULHALL. I know the list. I will say to the chairman the reason I was so anxious to get that list was that I was instructed by the committee to find any additional correspondence I had concerning Mr. Fairchild, and when I searched my files I found some additional letters from Mr. Fairchild.

Mr. NOLAN. They do not appear in the original confidential print?

Mr. MULHALL. No, sir; they do not appear in the original confidential print.

The CHAIRMAN. We will make an effort to procure that, because McMichael testified at some length about it. The messenger will go to the Senate committee to find out if anything can be learned in regard to it.

The next paragraph I want to call your attention to for just a moment. I just want to ask you a question or two in regard to it. It reads:

> The two gentlemen I had engaged working on the Democratic Congressmen told me they were fairly successful in keeping a lot of Members away from the House; that they only met with one severe rebuff, and that was from Mr. Hughes, of the sixth New Jersey district, Gompers's stool pigeon and active supporter in this Congress, and one of the men who put up this late job and sprung the surprise that we are now fighting.

I want to ask you who those gentlemen were.

Mr. MULHALL. One was the Republican whip of the House, Mr. Dwight, and the other was Mr. McDermott.

The CHAIRMAN. Those were the two gentlemen?

Mr. MULHALL. As near as my memory can serve me. I think there were others that helped.

The CHAIRMAN. Whom you had reference to at that place? You say Mr. McDermott was connected with this work?

Mr. MULHALL. There were others that helped. I believe I had two other friends here at that time.

The CHAIRMAN. Do you mean to say that Mr. Dwight, the Republican whip, was working among Democrats and trying to keep them away?

Mr. MULHALL. Yes, sir; I do mean to say that he told me that he had got some off the floor of the House.

The CHAIRMAN. Some Democrats off the floor of the House?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did he say how he got them off?

Mr. MULHALL. No, sir. I did not question the gentleman because I knew he was a very busy man. I know he was very much interested. He showed me a card which was sent out to the Republican Members.

The CHAIRMAN. Was that a printed card?

Mr. MULHALL. It was a printed card; something like a postal card. He stated he was working among the Republican Members, getting as many of them as he could, and was not giving any information to the Democrats.

The CHAIRMAN. That was the usual whip notice, or was it an unusual notice, or are you familiar with whip notices?

Mr. MULHALL. I think it was an unusual whip notice. I think the print was in red ink at that time.

The CHAIRMAN. Did he tell you what Democratic Members he had succeeded in keeping off the floor of the House? Did he mention any names which you now recall?

Mr. MULHALL. My memory is not clear on that just now.

The CHAIRMAN. Did Representative McDermott tell you anything about what he did on that occasion?

Mr. MULHALL. He said he was extremely active in doing what he could to keep labor Members off the floor.

The CHAIRMAN. Did he tell you whether he succeeded in keeping any of them off or not?

Mr. MULHALL. I think he did.

The CHAIRMAN. Will you mention the names of any whom he told you he succeeded in keeping off? Do you remember?

Mr. MULHALL. I think my reports would be clearer on that than my memory would be, because I want to be very particular about my statement after Mr. Willis's incident yesterday, so that I would rather have my letters referred to.

The CHAIRMAN. This letter, so far as I know, does not state any names of any men that were kept off the floor of the House at this particular time, nor, so far as I know, are there any letters in your correspondence that do show that, and I was asking you whether from memory you can state any names of any men whom Mr. McDermott told you he succeeded in keeping off the floor of the House on this particular specific bit of legislation?

Mr. MULHALL. I think that I asked Mr. McDermott to see some of the Maryland Members, if I am not mistaken, and I feel positive he said he kept off—I am trying to think—I ought to be very familiar with the names, but my memory is not very good.

The CHAIRMAN. Unless you are certain about it——

Mr. MULHALL. I think I can enlighten the committee a little bit; I think he said Mr. John Gill.

The CHAIRMAN. As a matter of fact, Mr. Gill, as a rule, was opposed to all this legislation anyway and did not have to be seen?

Mr. MULHALL. I do not know whether he was or not. There was quite an effort made by the Democratic leaders to get as many Members on the floor as they possibly could. There were over 245 Members present and voting when that came up.

The CHAIRMAN. How can you account for this statement there:

They only met with one severe rebuff, and that was from Mr. Hughes, of the sixth New Jersey district, Gompers's stool pigeon and active supporter in this Congress and

one of the men who put up this late job and sprung the surprise that we are now fighting.

Did you understand that both Mr. Dwight and McDermott went to Mr. Hughes about this matter?

Mr. MULHALL. No, sir. My understanding of it was that McDermott had a talk with Hughes on that matter. He went to Hughes for information, I believe. When I first called his attention, after getting this note, to the fact, to Mr. Dwight and to Mr.——

The CHAIRMAN. Let me call your attention to the next paragraph, which says:

These two gentlemen stated that when they went to Mr. Hughes's office, he insulted them saying that he had already learned what they were doing, and he would advise them, if they were friends of labor, to get out and attend to their business instead of interfering with his work.

Mr. MULHALL. I said awhile ago I had a couple of friends here assisting me at that time, and I believe that refers to those gentlemen when they called on Mr. Hughes.

The CHAIRMAN. Then that would also be true, would it not, of the paragraph just before that—they were the two men you refer to instead of Members of Congress? Read the entire matter in connection there now, and see what your recollection is about that, because this is an important matter.

Then I call your attention especially to the language just at the beginning of the next paragraph:

A moment after leaving these gentlemen, I saw the whip of the House, Mr. Dwight.

Is it not possible that on that you are mistaken, in your recollection about these men, and what you said about these Congressmen and Mr. McDermott?

Mr. MULHALL. It might be that; I mean that might be right about the incident in Mr. Hughes's office. I think it was the labor friend of mine I had here and a friend with him.

The CHAIRMAN. Do you not think it probable that those are the two men to whom you referred in this letter instead of Mr. Dwight and Mr. McDermott?

Mr. MULHALL. The reason I feel that way about Mr. McDermott and Mr. Dwight is that Mr. McDermott was active all through that fight, and helped me all through that fight, and that Dwight was with us in that fight also.

The CHAIRMAN. The general text of this letter would hardly bear out the idea that Mr. Dwight was one of these men.

Mr. MULHALL. Mr. Dwight was with us; but he certainly did not go to Hughes, if I am not mistaken.

The CHAIRMAN. Here where you used the expression, "A moment after leaving these gentlemen I saw the whip of the House, Mr. Dwight," it would indicate that you had some other person in mind than Dwight at the time you were making the report?

Mr. MULHALL. I had a couple of friends with me who were making a canvass, and they called on Hughes?

The CHAIRMAN. Who were these gentlemen?

Mr. MULHALL. Mr. George Gibson was one of them, a friend of mine that I kept in office for a number of years. I am not sure whom he had with him at the time, whether it was Mr. Ed Booth or some other friend of his.

TESTIMONY OF HENRY E. DAVIS.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Your full name?

Mr. DAVIS. Henry E. Davis.

The CHAIRMAN. And your age?

Mr. DAVIS. Fifty-eight.

The CHAIRMAN. You are a resident of this city?

Mr. DAVIS. Yes, sir.

The CHAIRMAN. How long have you resided here?

Mr. DAVIS. All my life.

The CHAIRMAN. Your profession?

Mr. DAVIS. Lawyer.

The CHAIRMAN. How long have you been in the practice of law here?

Mr. DAVIS. Next month, 34 years.

The CHAIRMAN. I understand, Mr. Davis, that you desire especially to make a statement concerning this matter that has been testified to by Mr. Horning and other gentlemen here, and you have the permission of the committee now. Proceed and make your statement in your own way, subject, of course, to interruptions by questions from the committee.

Mr. DAVIS. Surely. I have known Mr. Horning approximately for not quite 20 years. During all that time, at intervals, I have been his attorney in various matters. Some time, as I now remember, in the year 1911, Mr. Horning approached me with reference to a pending bill that affected his business. It became afterwards known by the general designation of "loan-shark bill." He told me that certain other men who were engaged in his line of business of note broking—in the note brokers' business—were interested in this matter and had commissioned him to consult me with reference to representing his and their interests with reference to that legislation. He told me that my compensation would come from this association of men—he did not at the time tell me who they were—and he asked me if I would undertake it. I was reluctant to do it, for the reason that that sort of work is not the most agreeable a lawyer can engage in—not because of its character, because I think every man whose interests are likely to be affected by legislation has a right to interest himself in that legislation. But this sort of work involves attendance upon committees and rather dancing attendance upon the Capitol. There are no calculable hours, and it is an interfering sort of work with the general work of an attorney. I am inclined to think that if anybody but Mr. Horning had asked me to do it I should have declined the employment. However, I assented.

I looked at the bill or bills, or whatever they were, I have forgotten now whether there was one bill or more. I took the matter up with interest and ran back as far as my experience as assistant corporation counsel, as the office is called, of this District, which position I had held from July, 1885, until the 31st of October, 1889. During the course of my official relations to the District of Columbia Congress had passed a law, in 1887, authorizing the Commissioners of the District of Columbia to make police regulations, among other things, with reference to inspections of pawnbroking establishments, second-hand establishments, and the like. It fell to me, as assistant corporation

counsel, to write those regulations, which in the main I did; all of those police regulations, the first draft—with the aid, of course, of others, and largely, as I remember, Commissioner Ludlow, who at that time was the engineer commissioner.

In making up these regulations I got into communication with the authorities of all the principal cities of the United States with a view to getting copies of their ordinances and regulations covering the subjects covered by this act of Congress. It caused me to make a very full inquiry and full investigation of these matters, which I did, and I utilized the results of my investigation in this original set of regulations governing the pawnbrokers. In that way my attention became attracted to the pawnbroker's business, and in 1889—while I was still in office—in March, the bill became a law; there was pending before Congress what was known as the pawnbrokers' bill. In ordinary course that bill was referred to the Commissioners of the District of Columbia and in turn referred to my office, where it came under my personal attention. I reported to the commissioners on the bill and, as I now remember, made some suggestions, which found their way into the office. That bill became a law March 2, 1889, and under that law the pawnbrokers were living at the time this loan-shark bill was introduced.

I addressed myself to this proposition that so far as the pawnbrokers themselves were concerned there is and has been within my knowledge no better law on any statute book than that of March 2, 1889. I endeavored to cultivate a sentiment among my acquaintances in Congress to that effect, acquainting them with the provisions of the pawnbrokers' bill by pointing out to them its merits; and by pointing out to them what I believed to be the absence of any occasion to interfere with the pawnbrokers in the District of Columbia. Under that bill no man could become a pawnbroker without a license; he had to give a bond to the District of Columbia; he had to keep a book in which he entered every transaction that he had, giving the character of the article, the amount that he loaned on it, a personal description of the person making the transaction, and he was required also to furnish the person making the transaction with a copy of that memorandum. In addition to that, the police department had access to the pawnbrokers' establishments at all times; the major of police and any policeman designated by him had access, and the books were always open to daily inspections, and, in point of fact, transcripts of those books were daily taken by the police and filed in the police department of the District of Columbia, where, I believe, they still are.

I am saying this by way of preparation for a question that may be asked—and if it is not I will state the substance anyhow, as to the character of the services that I rendered in connection with this loan-shark bill.

Well, I went all over that; I went into all these things, and I devoted I do not know how much time to it, and I have made no attempt since this hearing began to refresh my recollection with reference to my files, or anything in my office, preferring to speak from my unaided memory.

The matter of compensation came up. I said to Mr. Horning that this looked like a long campaign. At any rate, it looked like a bitter campaign, and I expected to be compensated in accordance with the

work that I thought I had cut out. I asked him for $2,000—not to cover the work that I actually did at the time, but largely by way of retainer for the whole enterprise. How long I continued I do not know at that particular time, but——

The CHAIRMAN (interposing). Pardon me a moment, Mr. Davis, but I want to ask a question. Do you remember when your employment actually began?

Mr. DAVIS. I have no means of telling. I never attempted to refresh my recollection about that and only know it was in 1911. I was surprised at the lull in the campaign. I said nothing about it. I was glad enough to have the work as easy as possible and said nothing about it. And until Mr. Horning testified here the other day I did not know the reason of that lull, and I only know it now from what he said, namely, as he says, that the note brokers despaired of any attempt to beat the bill that governed them. Whether that be the reason or not, there was a lull. I did nothing more than such work as I did in the two or three months that my attention was on the subject. And when the question of putting the pawnbrokers in the same category with the so-called loan sharks arose I was not asked to take any part in that matter, nor did I. I had a second surprise by learning that other counsel than myself were appearing here before the committee in reference to that legislation.

The CHAIRMAN. Let me see if I get that correctly. You say that when the proposition of putting the pawnbrokers into the bill was broached, or——

Mr. DAVIS (interposing). First became known to me.

The CHAIRMAN. When this first became known to you, you were not asked to take part in their behalf, in behalf of the pawnbrokers, and you did not take any part?

Mr. DAVIS. That is correct.

The CHAIRMAN. At any time?

Mr. DAVIS. Ah, I say, when it was first brought to my notice; first came to my knowledge.

The CHAIRMAN. All right; go ahead.

Mr. DAVIS. In the latter part of December, 1912, or, as my better recollection is, in the early part of January, 1913, Mr. Horning waited upon me and told me that the bill was in a dire situation so far as the pawnbrokers were concerned. He told me that, as I now remember, the bill had passed the House; that it had in some form passed the Senate, and that it then was in conference and that the situation was acute as to the interests of the pawnbrokers, and asked me if I would be willing to take the matter up again. I told him that I would. I inquired of the situation and found that he had correctly reported it. It then behooved me to devise some means if possible of saving the pawnbrokers from the fate that seemed in store for them. I knew that it was almost a forlorn hope; that the matter had proceeded so far that unusual legislative proceedings would be necessary to get the matter back to where the pawnbrokers could present the considerations which they wanted to present finally to keep them out of the bill; at any rate, to leave their rate of interest at 3 per cent a month.

I knew most of the members of the Senate Committee on the District of Columbia, some of them familiarly and most pleasantly for years. The bill was out of the House at that time. I had nothing to

do with it in the House of Representatives. Until two or three days ago I never knew Mr. Ben Johnson, even by sight; nor did I have any thing to do with any of the other members of the House District Committee in relation to this matter. The first thing that I did was to say to Mr. Horning was that my personal friend, Senator Dillingham, whose acquaintance I have had the honor of having for a number of years, was on that committee, and I knew him to be a fair man, and an intelligent man, and that I would open the campaign with him. Upon my request, Senator Dillingham consented to receive Mr. Horning and me in his rooms in the Hotel Cochran in this city. We went there together and I stated the case as I apprehended it from the pawnbrokers' viewpoint. He accorded us a long interview, and a most agreeable one. And, if you will permit me, I will state, in brief, what I put to him, because it is the same thing that I put to everybody else, including the President of the United States. I told him that an inspection of the books of the pawnbrokers in this District showed that of all outstanding loans something over 72 per cent were in the amount of $5 and under; that the whole 100 per cent averaged about $6 25, or a few cents less. I pointed out to him the protection thrown around the borrower by the pawnbrokers' act, which contained the provisions that I had stated; and in addition the further provision that a pawnbroker could not sell a defaulted pledge under a year; that he was required to sell it through an auctioneer selected by the police authorities of the District of Columbia; that he was required to hold the surplus over and above the obligation to him for the person entitled thereto after the pledge was sold; all this he was under bond approved by the Commissioners of the District of Columbia. I pointed out to him that it costs as much money to keep track of a $1 transaction, as it did a transaction of $100 or $1,000; that the expenses of the pawnbrokers with reference to bookkeeping were very large; that the expense of obeying and living up to the law and the regulations was great and that when at the end of the year they took their 3 per cent into calculation, or at the rate of 36 per cent a year, their profits from the business were not so large.

Moreover, I dwelt upon the fact I thought—and I have long thought—that the borrowing of small sums by people in humble and moderate circumstances ought to be made respectable. I reminded him that, in my own knowledge a Cabinet officer borrowed $50,000 on his residence in this city, to meet an emergency; that was considered a capitalistic enterprise, that if the wife of his hostler should be taken ill before the end of the month, and the hostler was out of money, and he went to pawn a petty piece of jewelry with a pawnbroker to buy his wife medicine, he would have to slink into the pawnbrokers' shop to get it, because it was not deemed respectable. These things I pressed upon him; these things I pressed upon every man that I talked to. I reminded him—I said that the business of lending money as pawnbrokers do in this country was in such esteem abroad that it is a governmental function in several of the States of continental Europe. I dwelt upon the fact that a duchess would pawn her jewels openly in the city of Paris, and that when she wants to wear them at a ball she will borrow enough money from a friend to redeem them and wear them for the night and return them the next day; and she was considered a respectable member of

society. These things I dwelt upon in the vindication of the claim that pawnbrokers were entitled to some consideration, and were not to be regarded in the light of loan sharks, as they were termed.

Senator Dillingham had been ill for some time; he had just returned to Washington. How much impression I made on him I do not know. But I was earnest about it; as earnest as I know how to be about it. I do not profess to give you the order in which I saw the gentlemen whom I saw, but I will name those whom I remember to have seen; and upon all of whom I pressed what I have now said, or much of it. My good friend Senator Martin, of Virginia, to whom I am pleased to say I always have ready access, welcomed me to his office in the Senate Office Building, and heard me patiently, I being alone at the time. I saw Senator Gallinger, whom I have known for years well and most pleasantly, and talked the matter over with him two or three, or perhaps more, times.

The CHAIRMAN. You disclosed to those gentlemen, did you, that you were representing the pawnbrokers as attorney?

Mr. DAVIS. Surely. I saw my friend Senator Newlands, whom I have known upward of 20 years, and whose attorney I have had the privilege of being on several occasions, in most important matters. I took the matter to him. I saw my friend Senator Townsend. I put the matter to him. I saw Senator Pomerene, whose acquaintance I had very slightly—in fact, I made his acquaintance in connection with this bill—and asked him, as I asked everybody else, merely to give us a chance to let these considerations reach the committee, or the conference committee, or whoever had the bill in charge. I repeated what had been told to me—that there had been rather imperfect hearings in the House. I knew nothing about that, and I make no criticisms of anybody. I only told that because it was told to me, and I felt that the pawnbrokers had not had a fair show. I saw Senator Curtis, whom I have known for some years, but not so well as the other gentlemen named. I saw others; I can not remember all. I spent approximately five or six weeks constantly at this business, aiming exclusively to acquaint the men with whom I spoke with what I have here said, with a view to inducing them to give these men a chance. I saw perhaps three Members of the House, very casually, because it was in the Senate that this thing had been done, and the only man whom I remember to have spoken to, the only Member of the House I remember to have spoken to on the subject, is Mr. Bathrick, of Ohio, whose acquaintance I had made very pleasantly when I was representing the drainage engineers of the Department of Agriculture before the Committee of the House on Expenditures in the Department of Agriculture respecting the Everglades investigation. I said to him what I have said to everybody else, "I tell you these things, Mr. Bathrick, and if the matter comes before the House, put your judgment to it; if you can see your way to agree with me, do so; in any event, listen to what may be said." Well, the thing went on in this way for several weeks, probably five or six weeks; I will not profess to say how long; and I fix that time by the date of the signing of the bill, which was February 4. I got very little encouragement and I saw that the matter was pretty desperate. It was taking a great deal of my time, and I was not encouraged to think we would accomplish anything.

In the course of my work I came into contact with Mr. Michael W. Sullivan, whose name has been mentioned, who is a lawyer in good standing in this city. He had been related to some prior effort of this kind, with which I had not had to do, and I asked his assistance—with Mr. Horning's knowledge and concurrence, with the understanding that the matter would be brought to the attention of the gentlemen who were furnishing the means for this campaign; and I was authorized to use Mr. Sullivan's services, which were freely given—and what they consisted of he can tell you; but from what he reported to me, he was assiduous in looking after the House side of the matter, in contemplation of the action which we hoped for, that the matter would again come before the House and a motion to resubmit the bill for further consideration by the House Committee was our scheme of action. He came to my office, and repeatedly reported to me by telephone from the Capitol. I also came into touch with Mr. William Hart—familiarly called at this hearing "Bill" Hart—whom I have also known for many years. For many years he was the confidential man of John R. McLean, and connected with the Washington Gas Light Co., and other enterprises here, and a man of wide acquaintance. I knew he knew a great many men on the House side and on the Senate side as well. But I seized on Mr. Hart the minute he came within my orbits, as a man who could do the very sort of thing I wanted to be spared doing, and that is to dangle around here in the halls of Congress, waiting on the convenience—I do not say that in an offensive way; a Member can not always be interrupted in his legislative duties—and he could let me know when the opportunity was favorable for me to come up and see these men, and he could keep watch of the case from day to day. By my suggestion, these men came into this case, and with my approval Mr. Horning paid Mr. Hart $250, and with my approval he paid Mr. Sullivan $250, and each of them was underpaid for what he did.

Now, the matter came about that the bill—we failed in our endeavor; and I am obliged to say this, that I was greatly surprised at the turn affairs took, because I had an appointment in reference to this final conference, for, we will say, a given Wednesday, and the job was closed on Tuesday. I then thought of but one thing to do, and that was to appeal to the President of the United States.

The CHAIRMAN. Was that an appointment with the conferees?

Mr. DAVIS. No; I will not say it was an appointment outright; but I was told that it would be seasonable to present my views on a Wednesday.

The CHAIRMAN. To the conferees?

Mr. DAVIS. To the conferees. Senator Curtis was the man to whom I remember talking about that; and Senator Pomerene was under the same impression, because when I asked him for a few minutes in the Marble Room in the Senate he told me I would have ample time to talk to him. Before I had a chance to talk to him again the thing had been done.

Mr. WILLIS. Can you state who it was that suggested that you could see them on this Wednesday?

Mr. DAVIS. Senator Curtis.

Mr. WILLIS. Senator Curtis?

Mr. DAVIS. Yes, sir.

Mr. CLINE. Senator Pomerene did not tell you that you could see them in conference, did he?

Mr. DAVIS. No; Senator Pomerene told me that there was time to see him on the following day.

Mr. CLINE. He told you that he could see you in his office, did he?

Mr. DAVIS. Either in his office or in the Marble Room.

Mr. CLINE. And not in his capacity as a conferee?

Mr. DAVIS. No; he was not a conferee.

Mr. CLINE. And this bill was already in conference?

Mr. DAVIS. Yes, sir. Senator Curtis was a conferee. Then I got into communication with the White House, and asked the President to give us a hearing on this measure; and he courteously did so, and fixed upon Saturday, the 1st day of February, for the hearing. The representatives of labor, and the representatives of the Monday Evening Club also desired to be present and represented at that hearing, and they were duly notified; and we had the hearing. There were 40 or 50 people in the room at the time. There was present from the labor organizations a committee headed by Mr. John Colpoys. I think that their men were Mr. Stearns and Mr. McDonald, though I am not sure about that. The Monday Evening Club was represented by Rev. Dr. Van Shaick, and the present commissioner, Mr. Siddons. Some other beneficial or philanthropic association—I do not know the name of it—it is a league of women, was represented by Mrs. Archibald Hopkins; and there were one or two present who had not been asked, but knew of the conference, and came. When the conference was held, the President asked me to acquaint him with the situation. He said he knew nothing about it, except that, generally, a bill called the loan-shark bill was on its way through Congress and he asked me to explain its provisions and state my views about it, which I did fully. I went over the same matter with him that I had gone over with Senator Dillingham in the beginning and that I have in part related here. I said to him, as I said to these other men, that this bill was overshooting its mark; that it was too drastic on the small borrowers; it was closing the doors of the lenders to the small borrowers—and that is what it has done. I impressed upon him that the open way of borrowing from pawnbrokers prevailing in the District of Columbia was the best. I pressed upon him that the passage of this bill closing the doors of the pawnbroker and others, would facilitate violations of the law in respect of the demand of usurious interest, and increase, rather than diminish, the grinding of the money lenders, whose risk of violations of the law would be increased and whose risk of loss would be increased, by the fact that any borrower could at any time set up the illegality of his bargain and deprive the lender of all his money; and in addition to that this bill provided that 25 per cent of the principal of the loan should go—a very severe measure, and one, as I thought, calculated to injure the borrowing public, the small borrowing public.

The President at once took hold of that and he said (this whole thing is stenographically reported and I suppose it is accessible; he heard the Monday Evening Club, he heard the men of the labor organizations, and so forth, and so forth), he finally said (this is the way he disposed of it on Saturday), "I say now, my inclination is very strong to veto this bill, and unless some considerations are presented to me overcoming my inclination, I shall do so." He was

asked to allow until the following Tuesday for considerations against his veto to be presented to him. He very gladly accorded that privilege, and I asked the privilege of having until the following day, Wednesday, to look over whatever might be said, and if I thought proper, to reply thereto. He kindly accorded that privilege.

For whatever reason I do not know, the bill was signed on Tuesday. I afterwards learned (this is all hearsav) why that was, and it was because certain gentlemen here in the Capitol who were interested in this legislation went up there and induced him to sign it on Tuesday.

Therefore the question arose, what was to be the fate of these pawnbrokers. They came to my office, Mr. Heidenheimer, Mr. Burnstine, and Mr. Horning, and wanted to know whether they could do this, or whether they could do that, and I spent the better part of a week looking into the law with a view to advising them what their duty was under the law, what they might properly do, and what would be improper for them to attempt to do. In other words, to put them where they belonged. They invited my opinion as to the constitutionality of the bill. I told them I thought it was constitutional, and, notwithstanding one of the justices of our court has since found fault with one provision in it, I am still of that opinion; and I told them they would have to quit the business. Whether they have done that or not is not within my domain, because that does not touch me.

With reference to my compensation—is that receipt of mine accessible, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. DAVIS. I can speak without it, only I would like to have you have it before you when I do so. When I was engaged by Mr. Horning, not a word was said with reference to my compensation; not a word. He simply said, "We will look after you." I had been working for Mr. Horning off and on for nearly 20 years, quite 20 years, and I have never had a difference with him in my life; never had to haggle over a fee with him in my life, and did not expect to on this occasion. He asked me if I wanted any money. I naturally told him that was a condition in which a man could be found at most any time, and he gave me $250. A little later he gave me another $250, making $500. After the President had signed the bill, which was on the 4th of February, and after I had these conferences with these gentlemen to advise them of their position on the bill Mr. Horning said, "What is your charge?" Said I, "It is $2,000." He said, "I don't believe I can get it." I said, "What I have done is worth it." He said, "I know it," and he said, "I will try to get it." He came into my office on the 26th day of February, 1913, the day that that receipt bears date, and told me that he had succeeded in getting the boys up to my figure; that they thought it too large and that they had had words about it and there had been some friction among them about it; but he says, "I have got it; here it is," and, says he, "I want a receipt for it." I looked at Horning and he saw the look in my face evidently. He said, "I never did this before, but I want this receipt for a voucher to show if I am asked." I said, "Very good; you shall have it." I never did give him a receipt for a dime in my life outside of this one paper. I took this little half sheet (my letterheads are in two sizes, a full size and a half size)—I took my little letterhead out of my drawer and began to write that

receipt when he mentioned Ryan. "Now," he said, "Mr. Davis, I have spent a good deal of money outside of what I have spent in this pool, and Ryan, as you ought to know, has done a whole lot of work in this business and I have obligated myself to him in the sum of $500." I said, "Of course, I know what Ryan has done." I said, "I came into contact with him repeatedly while I was up at the Capitol on this business and he did a great deal of work; he was very helpful to me by his courtesy and kept watch, just as the other men did, and communicated with me by telephone and in various ways was at my convenience." He said, "I know Ryan; he is a good fellow and ought to be paid, but they would not give me a cent." He said, "It is up to me to make that good." I said, "Horning, cut that short; take it out of me." I continued to write the receipt, and, says I, "Here is your voucher for $2,000." He shoved $1,500 on the desk. The $1,000 I do not remember, but the $500 bill I do, because as he pushed the money toward me I flicked the $500 bill back and said, "Give it to Ryan."

That receipt you have, gentlemen, I, Henry E. Davis, wrote with my own hand on the 26th day of February, 1913; with my hand I delivered it to George D. Horning. From George D. Horning's hands I got it three days ago, and in the interim I never saw it and had no occasion to ask for it.

There is another matter I want to speak to, because I can speak to it without going into professional interviews with my client—the interview at my office last Tuesday morning. Last Tuesday morning I was informed by telephone by Mrs. Horning from her residence to mine that Mr. Horning desired to see me at my office. I said, "I will meet him at a quarter before 9." I went to my office—I learned afterwards the object of the appointment, which was to inquire whether I thought the committee would indulge him for a few days on account of his condition in respect of hearing if he brought a certificate from his physician. I told him I thought they would, but when I got to my office, almost simultaneously with my arrival there, in walked Heidenheimer and Burnstine. They told me that they had been to Mr. Horning's house the night before, and Mr. Heidenheimer seemed to be in a great state of mind about this piece of paper which he had with him. This is only a copy of it. Both Burnstine and Heidenheimer said to me: "Why, Mr. Davis, you could not have gotten $1,500 on February 26, because there was not money enough there to pay you." I said: "I do not care anything about your bookkeeping; I got the money, and I gave Horning my receipt for $2,000, which he has." He did have it then. He did not give it to me until a little later in the day, when he came to the office. I said: "He has it, or it is in his safe." They began to talk about this $1,687.36. I said: "Gentlemen, I am not concerned about that; I am not concerned about your bookkeeping, or anything of that sort; I got the money. If Horning did not get it from you, he took it out of his own pocket." They said they could not understand, because "Here is $1,797 spent" at that time, and if I got $1,500 there was not enough left to dispose of these other things. Horning said twice: "You quite forget that in that $1,687 there was $750 I never used," and he explained it in this way: That the check that he got for the $1,000 which was on account of Tucker, Kenyon & Macfarland, covered the entire compensation in case of success with the bill, of which $250

was to be paid down, and he paid down $250, and that he kept the other $750 to be paid to them if the bill went through.

Mr. STAFFORD. You are aware that the $250 was paid to Tucker and Kenyon in August, 1911, more than a year before this check was given?

Mr. DAVIS. I do not know about that. He said the $250 was paid out of that particular check. That is the explanation he offered there in my hearing. I said: "Gentlemen, this is a matter for you; I have nothing to do with it." I mention that because Mr. Heidenheimer said, and very properly said, he was in my office on Tuesday morning, and that was all that passed at that meeting.

I think nothing further, gentlemen, has cropped out at this hearing touching me that I should take notice of, but I should be glad to be refreshed if I have forgotten anything.

The CHAIRMAN. You have mentioned all the persons, all the Members of Congress, Representatives, and Senators, you talked with about it?

Mr. DAVIS. All I recall. But let me say this: These interviews I had with these gentlemen, sometimes it would be in their office and sometimes I would meet them in the lobby room, sometimes in the Sergeant at Arms' room, and sometimes in the office of the Sergeant at Arms, and more than likely more than the one man might have been present in addition to the man to whom I was addressing myself. I do not remember.

The CHAIRMAN. Mr. Davis, in so far as you have testified here as to this work, it seems to have been almost wholly about the pawnbrokers' fight on this bill. You received a fee of $2,000 on the other fight on the bill—on the other pool?

Mr. DAVIS. I started out with it.

The CHAIRMAN. Yes; you spoke of getting that fee at that time, but you did not tell us very clearly what you did in connection with that phase of the legislation.

Mr. DAVIS. I endeavored, Mr. Garrett, to make it clear.

The CHAIRMAN. You gave us a statement about the pawnbrokers, the reasons controlling them, and so on. Maybe you stated as to the other, but if you did I do not remember it. Just what did you do, if you will repeat it?

Mr. DAVIS. I will try to restate it. I thought I had. When they came to me about this matter in 1911 I at once set to work restudying it (I had done it before) and refreshing myself about the laws covering the pawnbrokers, and governing the lending of money in the District of Columbia.

The CHAIRMAN. You say now the study you made was of the lending of money outside the pawnbrokers' law?

Mr. DAVIS. Oh, yes.

The CHAIRMAN. I don't know (I may not have caught it) but my impression is the notes will show you made an explanation of the study you made of the pawnbrokers' phase of it and about drawing the regulations covering pawnbrokers 20 years ago.

Mr. DAVIS. No, Mr. Garrett. At the time my attention was first brought to this matter I was confident the pawnbrokers would not be in the bill, and what I did was with reference to this threatening legislation, particularly, if not exclusively, as affecting the notebrokers.

The CHAIRMAN. The act of March 2, 1889, applied to note brokers?

Mr. DAVIS. No, sir; pawnbrokers only.

The CHAIRMAN. What laws (I do not care for you to go into the details) do you remember having gone into?

Mr. DAVIS. Nothing but the general usury law, the usury laws in other jurisdictions and laws in other places regarding loans on chattel mortgages and the like. I acquainted myself with those. I looked up the laws of the different States to find what were the laws of the States with reference to this matter, trying to get a line upon what I might call the average legislation throughout the country covering this class of people. I spent a lot of time on it.

The CHAIRMAN. Did you prepare a brief? I do not mean on the pawnbrokers' phase of it.

Mr. DAVIS. I am talking of the note brokers. Mr. Horning is under the impression I sent a brief to the Members of Congress, but I did not. I prepared a very full statement with reference to these laws and gave that, my recollection now is, to Mr. Horning; but I never made any brief. The thing never came to the point of my going before the committee of Congress on that bill.

The CHAIRMAN. Did you discuss that also with Members personally, as you did later the pawnbrokers' bill at any time?

Mr. DAVIS. No, sir; I had nothing to do in that note broker's cases except to equip myself to go on with the campaign when it should formally open, and that is why I said this $2,000 paid me was more by way of retainer than by way of compensation for what I actually did; but I never was called upon to come out into that fight.

The CHAIRMAN. You really did nothing like the work you subsequently did for the pawnbrokers?

Mr. DAVIS. No, sir; the work I did—the actual volume of the work—for the note brokers was comparatively little. The bulk of the $2,000 was as a retainer and the fact I probably might have to put a year or more on this inquiry.

The CHAIRMAN. Mr. Davis, did you, while the pawnbrokers' fight was on——

Mr. DAVIS. Pardon just a minute. There is one other thing I wish to speak of.

The CHAIRMAN. All right, sir.

Mr. DAVIS. I see you asked Mr. Horning if he had employed any detectives in this business, and whether he knew if I had. I am sure, Mr. Garrett, you would not have asked that question had you had an opportunity to know me. I want to say now that I never heard of any detectives. If I had known that any detective—Burns or anybody else from him down—was on this job, I should have dropped it. That is not my way of doing business.

The CHAIRMAN. The mere asking of these questions, when answered in the negative, does not cast any reflection.

Mr. DAVIS. I did not think it was intended offensively, of course.

The CHAIRMAN. The committee is in this attitude: We necessarily have to ask a good many questions here that are fishing in their nature, because we have no information in advance as to these things.

Mr. DAVIS. I am not offended by it.

The CHAIRMAN. We are charged with this duty. I want to ask this, whether to your knowledge, at any time that legislation was pending, there were any promises made by any persons to any

Senator or Representative, or to any secretary of any Senator or Representative, of campaign funds of any character to be used in their district?

Mr. DAVIS. Not a thing—not a thing of the kind did I hear.

The CHAIRMAN. You never heard of anything of the sort?

Mr. DAVIS. I never heard of it.

The CHAIRMAN. You did not hear of anyone interested doing anything of the sort?

Mr. DAVIS. No, sir.

The CHAIRMAN. And you have stated, in substance, all that you presented to a Senator or Member of the House touching this legislation?

Mr. DAVIS. All, unless I amplified what I have endeavored to relate here; but nothing outside in character than what I have related here.

The CHAIRMAN. Judge Cline, I believe you wanted to ask some questions?

Mr. CLINE. I just want to ask a question or two. Mr. Davis, will you tell the committee when your activities on the part of the pawnbrokers began?

Mr. DAVIS. I say it was either in the latter part of December or early part of January—December, 1912, or January, 1913.

Mr. CLINE. To refresh your recollection, do you remember the testimony of Mr. Horning, that they had Macfarland and his associates employed until after the matter passed the House?

Mr. DAVIS. Yes; that is true.

Mr. CLINE. Well, I should have said until after the matter passed the House and Senate?

Mr. DAVIS. I do not know how long—I never knew they got out of it at all.

Mr. CLINE. Can you fix the time a little more definitely about when your employment commenced?

Mr. DAVIS. I could not do it; possibly it was either the latter part of December or the early part of January. I know it was around the opening of the year.

Mr. CLINE. Do you know at what stage the bill was in its progress at that time?

Mr. DAVIS. Yes, sir. It was in conference.

Mr. CLINE. It was in conference?

Mr. DAVIS. The House was wanting to put the pawnbrokers on and the Senate was inclined to leave them off.

Mr. CLINE. You did not come into employment, then, until after the bill was in conference?

Mr. DAVIS. No.

Mr. CLINE. Do you know when the bill went to conference?

Mr. DAVIS. I do not; I know the situation in which I found it. I am told it was in conference a long while, but the condition of the matter when I came into it was that the Senate conferees were inclined to leave the pawnbrokers off, or to give them a sufficiently high rate of interest to enable them to live, and the House conferees were on the other side.

Mr. CLINE. Now, Mr. Davis, when you knew the bill was in conference, then you began to have conferences with the Senators you have indicated to us?

Mr. DAVIS. Yes, sir.

Mr. CLINE. What was your purpose in doing that?

Mr. DAVIS. To get the bill sent back, or, in case the conferees should agree to it, and it should come up on the floor of the Senate or House, to have it sent back for further consideration by the conferees.

Mr. CLINE. Were you expecting there would be a hearing in the conference committee on that bill?

Mr. DAVIS. Yes and no. I did not expect I would be permitted to go to a meeting of the conferees when they were in actual conference.

Mr. CLINE. Don't you know conference committees do not hold hearings?

Mr. DAVIS. Surely, I know that; that is why I answer you as I do.

Mr. CLINE. So you could not have expected to go before the committee?

Mr. DAVIS. I had no such thought. That is why I tried, upon the floor of each House, to get it sent back.

Mr. CLINE. And you only found two Members in the House to consult with in regard to influencing their attitude in regard to the bill providing the matter was brought back into the House for discussion?

Mr. DAVIS. I won't say two, sir.

Mr. CLINE. You went to see two Members of the House?

Mr. DAVIS. I don't think I saw two. I remember I saw Mr. Bathrick.

Mr. CLINE. I thought you said Mr. Bathrick and one other Member you did not name?

Mr. DAVIS. I don't remember. If I said that, I spoke inadvertently. The only man I remember to have spoken to on the subject along that line was Mr. Bathrick. I casually met Members in the House and in the corridor, but I had no talk with them. I was not really concerning myself with the House.

Mr. CLINE. Is it not your understanding that neither the House nor the Senate undertakes to participate in the findings of the report made by the conferees after the bill has once been sent to conference?

Mr. DAVIS. Oh, yes.

Mr. CLINE. But that the conference may be instructed in reference to certain action on matters that they differ on only?

Mr. DAVIS. Judge, I understood, and now understand, that had the Senate District Committee instructed its conferees to stand out against the House conferees, there would have been no getting together. I also understood, and now understand, that if the bill came out of the conference and got on the floor of either House, that any Member could ask to have it referred back for further consideration. Although that is an extreme and very unusual proceeding, I was told it was possible. That is what we tried to do.

Mr. CLINE. You never knew of it having been done?

Mr. DAVIS. I have no recollection of it having ever been done, but I was told that it was a legislative possibility, and undertook it. Senator Townsend, on the floor of the Senate, and the Record will show you, undertook to say something in that direction when Senator Curtis presented his report on the floor. He was disarmed by the statement of Senator Curtis as to the existence of certain philanthropic loan societies who could take care of the poor borrowers of the District of Columbia, he said.

Mr. CLINE. But there was never any attempt made by anybody to bring that bill back in the House and Senate for general discussion?

Mr. DAVIS. No, sir. To my knowledge, no.

Mr. CLINE. And you knew that would be a very unusual course of proceeding?

Mr. DAVIS. I did.

Mr. CLINE. And you knew in all probability nothing of the kind ever would be done?

Mr. DAVIS. It was a forlorn hope.

Mr. CLINE. And yet you consulted with these different Members of the Senate for the purpose of preparing their minds for that sort of condition if it should arise?

Mr. DAVIS. Yes, sir.

Mr. CLINE. You say you went to the President for the purpose of having him veto this bill?

Mr. DAVIS. Yes, sir.

Mr. CLINE. And presented the matter to him, as you had presented in private to different Members of the Senate, your views on the subject?

Mr. DAVIS. Yes, sir. I did it openly.

Mr. CLINE. What did you say the President said he would do in reference to that bill?

Mr. DAVIS. He did not tell me anything. He said to those who were in favor of the bill (he said it in my hearing, and openly, and it was recorded in the afternoon press, if I remember rightly) that his inclination was to veto the bill, and he wanted to be shown why he should not.

Mr. CLINE. Was not that a very unusual thing for a President to do?

Mr. DAVIS. He did it, sir.

Mr. CLINE. I say, was that not a very unusual thing for a President to do?

Mr. DAVIS. I do not know that it is.

Mr. CLINE. Did you ever know of another instance where a President came out and made a statement of that character?

Mr. DAVIS. Well, Judge Cline, whether I do or do not know that, President Taft did it.

Mr. CLINE. I was just asking for your information.

Mr. DAVIS. I won't say I ever knew, or did not know, but I do say he did.

Mr. CLINE. You made an agreement to appear before the President in further elucidation of your views on this subject on a certain Wednesday?

Mr. DAVIS. No, on a Saturday.

Mr. CLINE. You made an appointment to be there on Saturday?

Mr. DAVIS. Yes, sir.

Mr. CLINE. I thought you were to be there on Wednesday?

Mr. DAVIS. No; the conference was just suggested as a tentative proposition. I made an appointment for Saturday—Saturday, February 1.

Mr. CLINE. And you were surprised to find the bill signed before you had had this interview that had been promised?

Mr. DAVIS. Oh, no; my dear sir. We had the interview and President Taft sat there for two hours listening very attentively, notwith-

standing he sat there with his golf sticks ready to take them out to the course.

Mr. CLINE. Didn't you testify just a moment ago that the President was persuaded to sign this bill before giving this hearing he had promised?

Mr. DAVIS. I did. What I said was this, Judge, and I say again: We had an interview on Saturday, February 1. The President said his inclination was to veto the bill and he would like to hear why he should not, and he would give those who had such considerations to present until Tuesday to present them, and would give me until Wednesday to reply to them, if I desired, and he signed the bill on Tuesday.

Mr. CLINE. That is what I said.

Mr. DAVIS. No, sir——

Mr. CLINE. You were to have until Wednesday——

Mr. DAVIS. No, sir; I was not. I presented our objections on Saturday and was to have until Wednesday to answer anything that had arisen in the meantime.

Mr. CLINE. And then, to your surprise, the bill was signed the day before you expected it?

Mr. DAVIS. That is right.

Mr. CLINE. You do not intend to intimate that President Taft misled you on that?

Mr. DAVIS. I do not, sir. What I undertook to say is this, as I believe the facts to be, that whoever saw the President on Tuesday, or Monday, whichever day it was, persuaded him that the balance of inconvenience was the other way and he had better sign the bill.

Mr. CLINE. Had you determined to present your side further on the next day?

Mr. DAVIS. It would depend upon what the other side said entirely. If I did not think it worth while, I would have ignored it.

Mr. CLINE. Were you present on Tuesday when the other side appeared?

Mr. DAVIS. No, sir. It was to be in writing, and they were to hand me a copy.

Mr. CLINE. You knew their presentation was before the President then?

Mr. DAVIS. Judge Cline, I presented my views on Saturday. The other side presented their views, and on Saturday the President said, as a result of this discussion (I am not giving you his words): "I am inclined to veto the bill, and I have got to be shown." They said, "What time will you give us?" Of course, this was Saturday afternoon, and the following day was Sunday. He said, "I will give you until Tuesday." He said, "Present your considerations in writing." He asked me if I wanted to reply, and I said I would like to see what they had to say, and then he gave me until the following day to answer.

Mr. CLINE. Did you go over their brief thoroughly?

Mr. DAVIS. They did not have time to file it. The President signed the bill before he heard them.

Mr. CLINE. I thought you said the bill was argued on Saturday.

Mr. DAVIS. It was argued on Saturday, oral argument.

Mr. CLINE. And a further presentation was to be made on Tuesday?

Mr. DAVIS. It was to be made on Tuesday, but it never was made, because the President signed the bill before those gentlemen presented their reasons.

Mr. CLINE. Were you provided with a copy?

Mr. DAVIS. I never had it; I never saw it; but had I thought it presented any considerations which I had not replied to on Saturday I should have replied to it. Otherwise I should have ignored it.

Mr. RUSSELL. This first employment about the loan-shark bill, so called, was in 1911?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. And at that time, if I understood your testimony, you made quite an exhaustive investigation of the whole subject?

Mr. DAVIS. With reference to the note brokers, not the pawnbrokers.

Mr. RUSSELL. You did not cover the pawnbrokers at all?

Mr. DAVIS. No; I had that at my finger tips; I had been over it so many times. I knew all about the pawnbrokers already.

Mr. RUSSELL. You did not make any investigation with reference to the pawnbrokers?

Mr. DAVIS. Not a bit, except simply to refresh myself by reading again the statute, as every lawyer is wise to do, even though he has it by heart.

Mr. RUSSELL. And you never have found it necessary to make any exhaustive investigation of that matter since?

Mr. DAVIS. No, sir.

Mr. RUSSELL. Was that $2,000 for the loan-shark business already paid you?

Mr. DAVIS. Every cent.

Mr. RUSSELL. At what time in the employment?

Mr. DAVIS. Within a month—$500 at one time, $500 at another, and $1,000, or something like that.

Mr. RUSSELL. And this new employment with reference to the pawnbroker business was an entirely different and new employment?

Mr. DAVIS. Absolutely.

Mr. RUSSELL. And that you stated, according to your best judgment, was in January of this year?

Mr. DAVIS. Along the 1st of January. It may have been a few days before; it may have been a few days after; I could not definitely say.

Mr. RUSSELL. Your first work in that was when you called to see Senator Dillingham?

Mr. DAVIS. That is the first thing I did.

Mr. RUSSELL. That was in January, was it not, after the recess?

Mr. DAVIS. After the recess.

Mr. RUSSELL. Congress met after the recess about what day of January? Do you now recall?

Mr. DAVIS. No, sir; I do not.

Mr. RUSSELL. Now, what date in January was it, according to your best judgment, that you first called on Senator Dillingham?

Mr. DAVIS. I could not positively say, sir. I will tell you how you you can find out. He told me he had been back here but a little while, and I did not know until I went to call on him that he had been ill.

Mr. RUSSELL. That was the beginning of the work you did in this matter?

Mr. DAVIS. Yes. Judge, I can say this: I think that my work on this particular matter covered about five weeks before the bill was signed, and that would bring me to the latter part of December as a starter. That is my impression, and the reason I can not be more definite about it is this, that according to my best recollection the thing altogether took me something in the neighborhood of six weeks or a little over, and part of that was given to the advice of these gentlemen after the President had signed the bill.

Mr. RUSSELL. If I understand you, the first work you did in this matter, outside of talking with your clients after they employed you, was when you called on Mr. Dillingham?

Mr. DAVIS. That is right—no; that is not right. The first thing I did was to collect my data; that is, to get this information, you know, about the loans that were outstanding, how many lenders there were, what the average of the loans was, and all that. I armed myself with the necessary information, but the first person I talked to on the subject was Senator Dillingham.

Mr. RUSSELL. Then, the last thing you did outside of advice to your clients was when you called on the President on the 1st day of February?

Mr. DAVIS. That is right.

Mr. RUSSELL. In the meantime you talked, as I have it, I believe, to four different Senators?

Mr. DAVIS. Yes; and I don't say they were all. I am only remembering those because——

Mr. RUSSELL. That is, Senators Dillingham, Curtis, Newlands, Townsend, and who was the other?

Mr. DAVIS. Senator Martin and Senator Gallinger.

Mr. RUSSELL. Did you see these gentlemen at their offices or at the Marble Room of the Capitol?

Mr. DAVIS. I saw Senator Dillingham at his home in the Cochran Hotel, and I also saw him in the District Committee room. I saw Senator Gallinger exclusively in the Senate committee room. I saw Senator Martin in his office room over in the Senate Office Building, and also saw him in the lobby of the office of the Sergeant at Arms. I saw Senator Newlands in the Sergeant at Arms' office and in the lobby, and I talked with him also, I believe, over the telephone. I am very intimate with Senator Newlands. I know him well enough to go to him any time on anything; whenever I met him I would talk to him. Senator Curtis I saw in the Senate District Committee room and in the lobby just off the door there by the elevator, where I had most of my talks with him.

Mr. RUSSELL. How many times did you see each of these five——

Mr. DAVIS. Let me tell you about the others. I saw Senator Pomerene in the lobby of the Senate, between the Senate proper and the marble room. He could only give me two or three minutes. I saw Senator Townsend in the lobby of the Sergeant at Arms' office. He came out to see me, and we went in and talked in the Sergeant at Arms' office, and, I believe, we also walked into the marble room and continued the conversation there. How may times did I see them?

Mr. RUSSELL. How many times did you see each of them?

Mr. DAVIS. I saw Senator Dillingham—oh, it is very hard to say, but two or three times.

Mr. RUSSELL. Your conversations with these gentlemen were usually very brief, were they not?

Mr. DAVIS. No, sir; they were not generally brief——

Mr. RUSSELL. How long were they?

Mr. DAVIS. I had a sufficiently long talk with Senator Dillingham when I first met him to go over what I have gone over with you gentlemen here to-day, and a little more. He was as courteous as he could be, and did not put any limit on the time he would allow me. I had books with me to illustrate and verify what I said, and the interview was full.

My interview with Senator Martin was very full. My talk with Senator Pomerene was brief. My talks with Senator Curtis were brief, with one exception. My talk with Senator Townsend was very full, because Senator Townsend was the man who had last said he would make an effort on the floor of the Senate to have this thing receive every attention.

Mr. RUSSELL. How many different times did you come down to the Capitol for the purpose of seeing the Senators?

Mr. DAVIS. Oh, I could not answer that, sir. I was at the Capitol calling on these people the abiding time, and I came to the Capitol whenever I was asked to come, and on various occasions I came of my own volition when I thought I ought to come. I was keeping in touch with the situation, and whenever the opportunity offered I was talking with the gentlemen that I have named, with a view to having them ready for intelligent action if the matter should come up in the way I was aiming to have it come up.

Mr. RUSSELL. Didn't it occur to you that five weeks was a pretty lengthy time for the necessary conversations you wanted to have with these five or six Senators?

Mr. DAVIS. I did not see them all in one week; I did not see them all in two weeks. My interviews extended over this entire period.

Mr. RUSSELL. You have an extensive practice here in the courts?

Mr. DAVIS. Very.

Mr. RUSSELL. And the courts were in session in that month, January?

Mr. DAVIS. They were.

Mr. RUSSELL. You tried some lawsuits?

Mr. DAVIS. I am not sure; it would be very unusual if I did not.

Mr. RUSSELL. You were in court?

Mr. DAVIS. In and out.

Mr. RUSSELL. You were there every week, were you not?

Mr. DAVIS. I assume that is so; there is hardly a month in my experience that I have not been in court.

Mr. RUSSELL. There is hardly a week——

Mr. DAVIS. Oh, no; that is a little extravagant. I know I was not engaged very seriously at that time in the courts, because I could not have been up here as I was had that been the case. And there is another reason, which is an argumentative one. It is usual when cases are called on the opening of the October term for cases to be set over and assigned specially for the opening of the January term, and generally counsel who are engaged in those cases have cases that themselves take three or four weeks to try. But generally I was here, not there.

Mr. RUSSELL. You recommended to your clients also to employ Mr. Sullivan and Mr. Hart?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. Anyone else?

Mr. DAVIS. No, sir.

Mr. RUSSELL. Mr. Ryan?

Mr. DAVIS. No, sir; Mr. Ryan was already on the job.

Mr. RUSSELL. Did you recommend the employment of these men in the capacity of lawyers or as lobbyists?

Mr. DAVIS. By "lobbyist" I understand a man who makes improper solicitations of Members of Congress to induce them to do something from a motive other than that of their own judgment. I have never had anything to do with that kind of a man in my life.

Mr. RUSSELL. Did you recommend their employment to act as attorneys in the case?

Mr. DAVIS. Mr. Sullivan was an attorney. He had been engaged on a prior occasion in connection with a similar piece of legislation, and I asked permission to attach him to myself as an assistant.

Mr. RUSSELL. Was Mr. Hart an attorney?

Mr. DAVIS. No, sir.

Mr. RUSSELL. What capacity did you expect him to labor in?

Mr. DAVIS. I wanted him as a man, and a very clever and capable man, to use his own tongue in speaking my thoughts to the men he would see.

Mr. RUSSELL. And try to influence them to——

Mr. DAVIS. To look at it in my way; and, in addition to that, to keep watch upon his friends in Congress with a view to knowing whether, if this should arise in the House, they would be present to hear the discussion. That is as far as I ever went.

Mr. RUSSELL. You recommended Mr. Sullivan, then, in the capacity of a lawyer?

Mr. DAVIS. Yes, as a lawyer, going around and talking as I was talking to the other people, using the same arguments, giving the same information, and making exactly the same representations and inviting the same consideration that I was engaged in doing, and nothing else.

Mr. RUSSELL. Now, do you understand that that is strictly the work of a lawyer, or the work of a lobbyist, to go around and see Members of Congress and try to influence them in legislation?

Mr. DAVIS. It depends upon what you mean by "influencing them in legislation." I consider it the privilege of a lawyer, and sometimes his high duty, to acquaint a Member of Congress, otherwise unacquainted with it, with the subject upon which he is expected to cast his vote.

Mr. RUSSELL. What work could Mr. Sullivan do as a lawyer that you could not do as a lawyer?

Mr. DAVIS. He could do it and leave me at my office to attend to some other business.

Mr. RUSSELL. But you gave the whole five weeks to this work?

Mr. DAVIS. All that was necessary, sir, and I asked the aid of these men to keep me from sitting here three hours at a time waiting for interviews; and meanwhile they used the same arguments I was using to make Members of Congress of their acquaintance familiar with the case and its merits.

Mr. RUSSELL. Now, at the time the final $1,500 was paid to you, that was on the date of that receipt?

Mr. DAVIS. It was on the date of that receipt.

Mr. RUSSELL. When was the first payment of $250 made to you?

Mr. DAVIS. When I was engaged, around about the 1st of January.

Mr. RUSSELL. You can state as a certainty, can you not, that no payment on that branch of the service was made to you before January of this year?

Mr. DAVIS. Yes, sir; I can state that positively.

Mr. RUSSELL. That is positive? They first paid you $250?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. That, you would say, was somewhere along between the 1st and 10th of January?

Mr. DAVIS. Judge, my recollection is that it was either the 2d or 3d; I don't know what days of the week. I know it was immediately after New Year's day, and it was very convenient——

Mr. RUSSELL. I asked if it was not between the 1st and 10th?

Mr. DAVIS. Oh, surely, yes.

Mr. RUSSELL. And the other $250 was very soon after?

Mr. DAVIS. Yes, sir; not later than the middle of January.

Mr. RUSSELL. Now, the next was the day of that receipt?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. And at that time Mr. Horning told you he could not get the $2,000—that is, the balance of $1,500?

Mr. DAVIS. Mr. Horning told me that he had had difficulty in it; he had told me that before. When he asked me, after the President had signed the bill and after I had had these conferences with these gentlemen and they asked me about the constitutionality of the measure, and where they stood under it, and all that—when I gave them my last word, the incident was closed except as to my compensation. He then asked me my compensation, and on the 6th of February he told me he was having difficulty in getting these men to agree to give me $2,000, and that he repeated at the time he paid me the money.

Mr. RUSSELL. Stating, did he, that they did not have that much of the fund paid up?

Mr. DAVIS. No; he said they did not want to put it up.

Mr. RUSSELL. Since that time you have heard him swear that they not only did pay you $2,000 but had $700 left?

Mr. DAVIS. That does not concern me, sir.

Mr. RUSSELL. But you have heard him state——

Mr. DAVIS. No; I did not hear him say that. I heard him say he had $750 in his box all the time, but not after he had paid me. He did, in fact, have $500 that I did not know anything about which he gave to the Democratic campaign fund.

Mr. RUSSELL. You have heard him swear that he paid $500 to the campaign on the 30th of October?

Mr. DAVIS. That is right. If I had known he had that $500, Ryan would never have got mine.

Mr. RUSSELL. It is a fact that he represented to you that the money was exhausted and he could not pay you the $2,000; that if he did he would not have any left for Ryan?

Mr. DAVIS. He said he could not make them put up any more, and could not get them to assent to his paying Ryan on their account.

I will be perfectly frank about it. I did not know he had at that time $500, or I would not have given Ryan my $500. I supposed at that time that the fund was exhausted, from the way Mr. Horning put it to me, because what he said to me was that he could not make them put up for Mr. Ryan and they did not think Ryan ought to be paid, and he appealed to me about it. I said, "Of course, I know Ryan, and have known him for years. He's a good fellow. He started life as a plate printer, put himself through the law school, and he is supporting a family in decency and comfort. Give him the $500 and take it out of mine."

Mr. RUSSELL. It is a fact, isn't it, that either Mr. Horning deceived you at that time or else testified falsely here?

Mr. DAVIS. I do not know, sir; I can not express any judgment on that. I can only tell you what occurred within my knowledge.

Mr. RUSSELL. He did represent at that time that the fund was not sufficient to pay you the $2,000?

Mr. DAVIS. He did not put it that way. He said they told him they had put up all the money they would put up, and they refused to put up anything for Mr. Ryan. Whatever may have been the workings of Mr. Horning's mind or conscience at that time, I do not know. It may have been that he thought he ought not to give Mr. Ryan $500 of men's money who said he should not have it, and he put it up to me——

Mr. RUSSELL. You have stated, if I understand you, that you understood from his conversation that he did not have that amount of money.

Mr. DAVIS. I decline to say that I so understood, because I never gave it a thought. The thought uppermost in my mind was that he tried to get these other men to agree with him to pay Mr. Ryan that $500.

Mr. RUSSELL. Well, you did state, didn't you, that if you had known he had that much money——

Mr. DAVIS. I would have declined to give my $500 to Mr. Ryan.

Mr. RUSSELL. Then you must have understood that that fund was exhausted?

Mr. DAVIS. I did not understand anything about it. I have since learned that he still has $500, but had I known it it would not be there. [Laughter]

Mr. RUSSELL. Then you understood from his conversation that the fund was exhausted?

Mr. DAVIS. Judge, if you want me to say, as an intellectual conclusion, that the fund must have been exhausted according to my apprehensions at that time, if I was giving up $500 that otherwise I would not have given up—yes; but the matter was never before my consciousness.

Mr. RUSSELL. I understand. You say that while you were writing this receipt he presented the matter of the $500?

Mr. DAVIS. I had the pen in my hand; I had just started to write the receipt.

Mr. RUSSELL. And you wrote it, you got through——

Mr. DAVIS. No; I stopped. I wanted to hear what was coming.

Mr. RUSSELL. Then, you did not finish the receipt?

Mr. DAVIS. I had hardly written the date.

Mr. RUSSELL. Then you stopped. Then you had out this Ryan controversy?

Mr. DAVIS. No controversy, sir; this Ryan talk, if you please.

Mr. RUSSELL. Then it was you agreed he might pay $500 out of yours?

Mr. DAVIS. Yes, sir.

Mr. RUSSELL. After you came to that agreement, did he pay you that money then, before you wrote the receipt or afterwards?

Mr. DAVIS. He took the money out when he came in there and laid it down on my desk. I was sitting as you are, and he was sitting as I am. He said, "Mr. Davis, here is your $1,500, making the $2,000 in all."

Mr. RUSSELL. Before you began to write the receipt——

Mr. DAVIS. I had not said a word about the receipt.

Mr. RUSSELL. You said you had begun to write a receipt.

Mr. DAVIS. I beg pardon, sir. He came in there with this $1,500, and laid it down on my desk, and he said, "Here is your $1,500, which makes up your $2,000, and I want a receipt." I looked at him in surprise, because he had never said such a thing to me before. Then he went on and explained about the difference with his colleagues, that they said it was too large, and he said, "I want something to show if they raise any question about it." I reached down into the drawer on the side of my desk and took up that half sheet of paper, and commenced to write. Then he started the Ryan matter, and I laid the paper down and sat back to hear what he had to say.

Mr. RUSSELL. Then when did you hand back the $500?

Mr. DAVIS. I handed back the $500 after I signed my name to the receipt, and as I handed him the receipt I flicked a $500 bill to him.

Mr. RUSSELL. Then after you had talked about the Ryan matter you went ahead and finished the receipt?

Mr. DAVIS. That is right.

Mr. RUSSELL. After you had agreed to give him back $500?

Mr. DAVIS. After I had written that receipt I agreed that Mr. Ryan should have $500 of it.

Mr. RUSSELL. Then when you signed that receipt for $2,000 you knew it was not true?

Mr. DAVIS. I knew nothing of the kind, sir; I knew it was true. I had gotten the $1,500, and I gave him a voucher for his associates.

Mr. RUSSELL. But you had already given him——

Mr. DAVIS. Well, sir, if you can divide a second into moments, you are a better man than I am. I agreed that he should have $500 out of mine, and I signed for the $500 as a voucher to him to show that he had kept faith with his associates. I gave Mr. Ryan $500.

Mr. RUSSELL. You gave him a receipt for $2,000 that he carried away and brought here and flourished before this committee, when you in fact never did have but $1,500?

Mr. DAVIS. I had $2,000.

Mr. RUSSELL. Not at the time you signed the receipt.

Mr. DAVIS. I had it on the table lying before me. It makes no difference; if I had given it to Mr. Ryan a week before it would have been just the same.

Mr. RUSSELL. Why didn't you write that receipt in accordance with the facts?

Mr. DAVIS. I did write that receipt in accordance with the facts.

Mr. RUSSELL. Did that receipt show that you gave back $500?

Mr. DAVIS. That was nobody's business but my own.

Mr. RUSSELL. This committee thinks it has a right to understand it.

Mr. DAVIS. Very well; if there is anything approaching turpitude in the transaction, I did it.

Mr. RUSSELL. Did you ever tell Mr. Heidenheimer and Mr. Burnstine about that Ryan $500 that you allowed paid out of your $2,000?

Mr. DAVIS. I did not, any more than I told them I paid my office force out of that money, or anything else.

Mr. RUSSELL. You gave that receipt to Mr. Horning, knowing that he would show that? He said he wanted that receipt to show——

Mr. DAVIS. Expecting he would show it to Mr. Heidenheimer and Mr. Burnstine to show he had parted with $2,000 to me.

Mr. RUSSELL. That he had paid you $2,000?

Mr. DAVIS. That is why I did it.

Mr. RUSSELL. And he said he wanted it to show he paid you $2,000?

Mr. DAVIS. He said that before he brought the Ryan matter up.

Mr. RUSSELL. And you gave it to him so he could say to them that he had paid you $2,000?

Mr. DAVIS. Yes, sir; that he had used $2,000 of their money to pay me.

Mr. RUSSELL. And those two men never knew that $500 of that went to Mr. Ryan until they heard him tell it here?

Mr. DAVIS. I do not know anything about that. I never told them.

Mr. RUSSELL. You were willing, were you, that he should carry that away and show it to them for the purpose of having them understand he paid you $2,000?

Mr. DAVIS. He did pay him $2,000, of which I gave away $500. If I had paid Sullivan and had paid Hart the whole $2,000, it is nobody's business but my own.

Mr. RUSSELL. Mr. Burnstine and Mr. Heidenheimer were your clients as well as Mr. Horning?

Mr. DAVIS. Surely they were. Judge, there is no use to prolong this discussion. I did just exactly what I have related. If it does not please you, that is your way of looking at it. It does not cause me the slightest qualm of conscience.

Mr. RUSSELL. Don't you think your other clients were just as much entitled to your confidence as Mr. Horning was?

Mr. DAVIS. They had nothing to do with my conscience after they had paid me. If I had chosen to throw that $2,000 into the sewer it was none of their business; if I had chosen to give that $2,000 to charity it was none of their business.

Mr. RUSSELL. When did you and Mr. Horning agree that this matter was to be divulged here before the committee?

Mr. DAVIS. I never agreed with him about that or anything else he has said here.

Mr. RUSSELL. You heard him testify here, on Tuesday, I think it was——

Mr. DAVIS. Do you mean to say that when he went on the stand——

The CHAIRMAN. One moment, gentlemen——

Mr. RUSSELL. Oh, no.

Mr. DAVIS. Pardon me. Do you mean to inquire whether when he went on the stand I expected him not to divulge this?

Mr. RUSSELL. I am not insinuating anything at all.

The CHAIRMAN. Let him ask the questions.

Mr. RUSSELL. You had this meeting in your office on Tuesday morning after Mr. Heidenheimer and Mr. Burnstine had been testifying.

Mr. DAVIS. Yes, sir; they came there——

Mr. RUSSELL. Now, when you were there that morning did you talk about this $500?

Mr. DAVIS. Not a word.

Mr. RUSSELL. Not a word about it?

Mr. DAVIS. Not a word.

Mr. RUSSELL. Now, on Tuesday, after you had talked with him there that morning, he came here and testified nearly all day Tuesday, didn't he—Mr. Heidenheimer?

Mr. DAVIS. I do not know, sir; I was not here.

Mr. RUSSELL. You were here on Wednesday——

Mr. DAVIS. I was here part of the time. I came in on the afternoon of Tuesday and found him on the stand.

Mr. RUSSELL. You heard him talking about this receipt and swearing he had paid you $2,000, and you had the receipt in your hand——

Mr. DAVIS. Mr. Heidenheimer, or Mr. Horning?

Mr. RUSSELL. Mr. Horning.

Mr. DAVIS. I was here all the time that Mr. Horning testified.

Mr. RUSSELL. You heard him testify that he paid you $2,000, and you said, "Yes; here is the receipt."

Mr. DAVIS. Certainly, I heard that.

Mr. RUSSELL. In his testimony of all the day he did not say one word about you giving $500 of that to Mr. Ryan.

Mr. DAVIS. Am I responsible for that?

Mr. RUSSELL. I am asking you whether you testified——

Mr. DAVIS. You have the record; I don't know.

Mr. RUSSELL. He did not say a word about it——

Mr. DAVIS. Until almost the last minute.

Mr. RUSSELL. Never a word about it until the night session.

Mr. DAVIS. I don't remember whether it was the night session or late in the afternoon session.

Mr. RUSSELL. Wasn't it rather remarkable that he should swear he paid you $2,000 and that you gave him a receipt for the $2,000, when he went from your office with the $2,000 receipt and $500 of that in cash that you did not take at all? Isn't that a remarkable deception?

Mr. DAVIS. What? That he paid me $2,000?

Mr. RUSSELL. That he should come here with a $2,000 receipt, present it here, and say, "I paid that to Mr. Davis," when the fact is that the very time you wrote that receipt you had already given $500 back?

Mr. DAVIS. Judge, I can not meet your mind on that.

Mr. RUSSELL. That is all I wanted to ask you.

Mr. DAVIS. I can not meet your mind on that. It was my money and I gave it away.

Mr. RUSSELL. But only did it because you thought the fund was exhausted?

Mr. DAVIS. I did not think anything of the kind, sir.

Mr. RUSSELL. You stated that if you had known that he still had $500——

Mr. DAVIS. That was not my motive at all. When Mr. Horning came to see me I knew what Mr. Ryan had done, and I was not going to let Mr. Horning pay it out of his own pocket, and I said, "Take it out of mine."

Mr. RUSSELL. You have stated you would not have done it——

Mr. DAVIS. Certainly; I would not. If I had said to him, "What are you going to do with that other $500?" and if he had said, "I am going to give it to the Democratic campaign committee," I would have said, "I am the committee." [Laughter.]

Mr. STAFFORD. You were one of the members of the Democratic campaign committee, were you not?

Mr. DAVIS. I was on the advisory committee of the national Democratic committee; yes, sir.

The CHAIRMAN. I want to get this clear in my mind. This receipt was given in February, 1913?

Mr. DAVIS. Yes; this year.

The CHAIRMAN. This campaign fund was paid in 1912.

Mr. DAVIS. Oh, yes; yes, that is so. I did not think of that, Judge Russell. This receipt shows it was dated 1912.

The CHAIRMAN. You did not know at that time that he had contributed to this campaign fund?

Mr. DAVIS. I did not know he had contributed out of this fund to the committee, but I knew he did put up $825, because Mr. Morgenthau, in New York, and my friend and classmate, Rollo Wells, were asking me to raise money in Washington.

The CHAIRMAN. Did you ask Mr. Horning whether or not he had a legal adviser in the matter of this payment?

Mr. DAVIS. I did not hear that, sir.

The CHAIRMAN. He stated you did advise him to do the best he could for the committee.

Mr. DAVIS. That is true. Mr. Morgenthau and Mr. Wells and somebody else in New York over there at headquarters were begging me to do what I could to raise money, and Mr. John Costello, who has a sharper nose for money than I have, said, "Wouldn't it be a good thing to get the pawnbrokers to put up something?" "Well," I said, "go and see them." And I said to Mr. Horning, "Costello is going to talk to you about raising a fund among the pawnbrokers for the Democratic committee; do what you can for them." That is all the connection I had with that matter. If I had been their lawyer I would not have gone to them and asked them——

The CHAIRMAN. You say you had no knowledge then that he was paying that out of this pool?

Mr. DAVIS. Not the slightest.

The CHAIRMAN. He did not mention that fact to you?

Mr. DAVIS. No, sir.

The CHAIRMAN. Under what circumstances did that conversation with him occur in which you told him to do the best he could? Did he come to you?

Mr. DAVIS. No, sir; it was just as if I should meet some gentleman out in the corridor on leaving this chair. I was at the headquarters here almost every day when the campaign was acute, and

in constant conference with Mr. Costello, in constant communication with the committee in New York, and we would hear every now and then the Macedonian cry for money. And it was suggested—I think it was Mr. Costello's suggestion—that he try the pawnbrokers and see if they would give something. I do not know why they selected the pawnbrokers any more than the barbers or anybody else.

The CHAIRMAN. I was just about to ask you that.

Mr. DAVIS. He said to me later, "Will you speak to Mr. Horning about it?" I said, "Yes, when I see him, I will," and I said to Mr. Horning, "Mr. Costello is coming after you for a contribution. He wants you to get up a fund from the pawnbrokers. Do the best you can for him, will you?" He said, "Yes."

The CHAIRMAN. You say you do not know why Mr. Costello suggested the pawnbrokers?

Mr. DAVIS. Indeed I did not.

The CHAIRMAN. He said nothing at that time to indicate why he suggested them?

Mr. DAVIS. No; he did not.

The CHAIRMAN. Why was Mr. Horning selected for that work? Is he a leader, a dominating character, among the pawnbrokers?

Mr. DAVIS. Yes, sir; he surely is.

The CHAIRMAN. And he was selected for that reason as the man to approach in regard to it?

Mr. DAVIS. He is the most effective man in the whole bunch.

The CHAIRMAN. He has no politics?

Mr. DAVIS. No; he has been living here a great many years, and he has no politics that I know of.

The CHAIRMAN. Do you know whether there were any other contributions to any other campaign fund?

Mr. DAVIS. No, sir; this was a perfect revelation to me, even about this $500.

The CHAIRMAN. You have already testified that you did not know where that came from?

Mr. DAVIS. No.

The CHAIRMAN. But you said you did know that Horning put in $825.

Mr. DAVIS. I knew that because it went through our books. We sent it on to New York from here.

The CHAIRMAN. I think that is all.

Mr. STAFFORD. Do you recall when you were first employed by Mr. Horning to represent the note brokers in this legislation?

Mr. DAVIS. The nearest I can say, it was some time in 1911, early in 1911. That is all I can say about it. I know, by calculating the time, it was about two years, approximately, before I took this matter up.

Mr. STAFFORD. As I understand you, you have not refreshed your memory before coming here by looking up any of your books or papers?

Mr. DAVIS. No, sir.

Mr. STAFFORD. Do you keep any books of entry as to retainer fees, as is customary among lawyers?

Mr. DAVIS. I never kept a book in my life.

Mr. STAFFORD. You have no record of payments made by clients?

Mr. DAVIS. Nothing. If I were to look to-day to see how much a given client of mine paid in respect of any business done for him, I would have to go over my letter files and consult them.

Mr. STAFFORD. You do not keep any record as to the amount of work you do on special cases for your respective clients, as is customary among lawyers?

Mr. DAVIS. Never do.

Mr. STAFFORD. So you have no memoranda at all to fix in your mind the date in reference to the first $2,000 that was paid you?

Mr. DAVIS. No; I can only give it approximately.

Mr. STAFFORD. Did Horning at that time inform you that he, as the representative of the note brokers, had raised a large fund to fight this note-broker legislation?

Mr. DAVIS. No, sir. I did not know it. He said he would raise the money for my compensation.

Mr. STAFFORD. He had not, judging from the conversation he had with you, at that time raised the money?

Mr. DAVIS. From the way he spoke to me I assumed he had not raised a dollar.

Mr. STAFFORD. You employed Messrs. Sullivan and Hart?

Mr. DAVIS. Yes, sir.

Mr. STAFFORD. And that was after your engagement by Mr. Horning to fight the pawnbroker feature of this bill?

Mr. DAVIS. Yes, sir.

Mr. STAFFORD. So it must have been either in the latter days of December or in the fore part of January, 1913?

Mr. DAVIS. That is right; some time in January.

Mr. STAFFORD. Did Mr. Sullivan ever report to you as to what he had done under that employment?

Mr. DAVIS. Constantly.

Mr. STAFFORD. What was the nature of the reports he made?

Mr. DAVIS. He would say—I do not undertake to mention the Members of Congress whom he saw, because I did not know, except by what he said, and really their names made little impression on my mind—he would say, "I had a talk with Smith last night. I had a talk with Mr. Smith, a Member of Congress from such a State; my friend Mr. Smith, and he said so-and-so. I went over this thing with him, and I put it up to him and I asked him to keep track of it; to see when it comes upon the floor." That is the kind of report he made to me. He would tell whom he had seen and when I might see a certain man.

I want to correct a statement I made a while ago. I did see another Member of Congress, whose name just recurs to me, and that was Mr. Lobeck. Hart took me to him.

Mr. STAFFORD. Whom did you first employ, Mr. Sullivan or Mr. Hart?

Mr. DAVIS. Sullivan.

Mr. STAFFORD. How long was he employed before you employed Hart?

Mr. DAVIS. Just a few days. That was almost simultaneous. He happened to come into my office ahead of Hart. Whichever one got there first would have gotten the first employment.

Mr. STAFFORD. What work was Hart to do?

Mr. DAVIS. The same kind of work. He is not a lawyer; but if you put him on the stand, you will see that he is an excessively clever man.

Mr. STAFFORD. What did you say his vocation or avocation is?

Mr. DAVIS. Well, sir, that is almost impossible to say. I would not know how to classify Hart. He was for a number of years the confidential man of John R. McLean in relation to many things here. He kept that relation for a good while, and he may have it now for all I know, but in the course of my acquaintance with Mr. Hart, which extends over a number of years, I have found him a man of very wide acquaintance, and he is a very capable man.

Mr. STAFFORD. I believe in the examination of a prior witness as to Hart the query was put as to whether it was Hart, junior, or Hart, senior. Which one is this?

Mr. DAVIS. This is the junior, the son.

Mr. STAFFORD. Did Mr. Hart make his reports to you as to what he was doing?

Mr. DAVIS. Almost every morning he stopped at my office on his way to the Capitol.

Mr. STAFFORD. What was the specific work Mr. Sullivan and Mr. Hart were to do on this bill?

Mr. DAVIS. Just as I have described. They were making the same representations to the gentlemen they interviewed that I made to Senator Dillingham and the others. I gave them my views on the situation and asked them to use their efforts in conveying them to the gentlemen they saw. That is as far as I asked them to do work.

Mr. STAFFORD. You took charge of the Senate end, so far as interviewing Senators was concerned, and these two men took charge of the House end?

Mr. DAVIS. Yes, sir; looking after the House end.

Mr. STAFFORD. Who paid Sullivan and Hart?

Mr. DAVIS. Mr. Horning paid them through me—no; he paid Sullivan direct and paid Hart through me, partly through me and partly through Heidenheimer.

Mr. STAFFORD. How much did you pay directly?

Mr. DAVIS. I think about $150. I remember making Hart a couple of payments. I got the money from Horning, and I know one time I sent him to Horning.

Mr. STAFFORD. You stated that at the meeting on Tuesday morning in your office, at which were present Messrs. Horning, Heidenheimer, and Burnstine, you saw this statement——

Mr. DAVIS (interposing). A copy of it; I think Horning's copy.

Mr. STAFFORD. A copy of this statement was there, and they were trying to explain why it was you had been paid $2,000?

Mr. DAVIS. Pardon me; how I could have gotten $1,500 in February.

Mr. STAFFORD. How you could have gotten $1,500 in February, when this only showed an expenditure of $1,492. The committee has been much impressed, or I have at least, with this statement, and I have had exceeding difficulty in getting any elucidation from Mr. Horning's testimony. As the testimony shows, after the preliminary settlement of August 30, 1912, and after these checks that Heidenheimer testified having paid to Mr. Horning on July 5, 1912, there was paid out by him out of this fund $500 to the Democratic campaign committee.

Mr. DAVIS. Yes.

Mr. STAFFORD. There was also paid to Messrs. Tucker, Kenyon & Macfarland $100, and there was also paid $250 to Sullivan.

Mr. DAVIS. No; that was to Hart.
Mr. STAFFORD. And $200 to Sullivan?
Mr. DAVIS. That is right.
Mr. STAFFORD. Making, as to those four payments, $1,050?
Mr. DAVIS. $1,050; yes.
Mr. STAFFORD. And to you——
Mr. DAVIS. Fifteen hundred.
Mr. STAFFORD. Whether fifteen hundred or two thousand—two thousand to you?
Mr. DAVIS. Not in February.
Mr. STAFFORD. After August 30, 1912?
Mr. DAVIS. Oh, yes.
Mr. STAFFORD. There was paid $2,000, making a total of $3,050. Assuming that Horning had $750 in the strong box at that time, and this statement shows that only $1,492 was expended by Horning after August 30, 1912, or a total of $2,248, yet from your figures and the testimony of Horning there is shown an expenditure after that date of more than $3,050; about $800 more than has been accounted for in this statement.
Mr. DAVIS. I can only tell you that they tried to explain it to one another. Horning said, "Heidenheimer, you keep forgetting the $750."
Mr. STAFFORD. I have not forgotten that.
Mr. DAVIS. I say that is what he said.
Mr. STAFFORD. I have not forgotten that. And yet he does not account for $800.
Mr. DAVIS. I did not say you forgot it. I said Horning kept saying to Heidenheimer in my office, "You keep forgetting the $750." I can not make it out.
Mr. STAFFORD. Even assuming he had $750 in the strong box, the figures do not jibe at all, and he unaccounts for $800.
Mr. DAVIS. That may be, sir.
Mr. STAFFORD. Well, it is.
Mr. RUSSELL. I would like to ask if you have counted in Schulteis?
Mr. STAFFORD. He was paid prior to that. I am only taking the uncontroverted testimony. No one has been able to explain that discrepancy, nor can they unless they want to reverse themselves.
Mr. WILLIS. There has been some conflict in the testimony heretofore given about these two fees. I want to see if I understand it correctly.
Mr. DAVIS. Yes, sir.
Mr. WILLIS. Now, the first fee, where you had a prior agreement with Mr. Horning as to the amount, namely, $2,000, that was the fee to be paid out of the note brokers' fund; is that correct?
Mr. DAVIS. I did not know anything about a note brokers' fund. Horning asked me if I would represent the note brokers in the matter of this legislation, and told him I would. He said that he would raise the money to pay me and asked me how much I would want. When the time came for me to say, I said I would start with $2,000. I had no idea of quitting for $2,000.
Mr. WILLIS. The services which you were rendering for them, the fee for which you stated would be $2,000, are for the note brokers?
Mr. DAVIS. Absolutely.

Mr. WILLIS. Now, the other fee, the amount of which you said you did not state at the time you commenced to work, that was for services to be rendered in connection with the pawnbrokers?

Mr. DAVIS. Exactly.

Mr. WILLIS. I want to be sure about that. What was the nature of the work that was done by this Mr. Ryan?

Mr. DAVIS. Now, you ask me a question that I can not answer, because Horning told me Ryan had been employed to do work. What I saw him doing was coming up to the Capitol here, talking to a Member here and a Senator there. What he was saying I do not know, because the character of Mr. Ryan's work never came before me for consideration at all, and I did not know he was under consideration to be paid until the day of this settlement.

Mr. WILLIS. Did he not report to you, ever?

Mr. DAVIS. As a matter of courtesy he reported to me. I did not know that Horning was thinking of paying him. He was very nice about it. He said, "You are much busier than I, and I will call you and let you know when any man you want to see can see you when he returns," as, for instance, in the case of Senator Curtis. He telephoned to let me know when Senator Curtis and I might get together without a waste of my time.

Mr. WILLIS. Did you know of Mr. Ryan's having done any campaign work?

Mr. DAVIS. No; no, indeed; never heard of it.

Mr. WILLIS. You heard of it when Mr. Horning testified here?

Mr. DAVIS. Yes; I heard it when he testified.

Mr. WILLIS. At the time that you agreed to pay Ryan out of your fee, you did not know of his having done any campaign work?

Mr. DAVIS. No; never heard of it.

Mr. WILLIS. Did Mr. Costello say to you that he intended to raise a fund as a contribution to the Democratic campaign fund from among the pawnbrokers?

Mr. DAVIS. No; it came about in this way: He and I were in headquarters together and one of those Macedonian cries came in, and he said, "Why would it not be a good idea to try the pawnbrokers," just like that. He might have mentioned any other coterie; he might have mentioned the barbers or anybody else.

Mr. WILLIS. Did any reason occur to you why these gentlemen should be selected at that particular juncture?

Mr. DAVIS. It did not occur to me. Now, looking back over it, if I were asked to invent a reason I could give you a very good one. It did not occur to me then.

Mr. WILLIS. He did not express any reason to you?

Mr. DAVIS. No. Why he picked out the pawnbrokers instead of anybody else I do not know.

Mr. WILLIS. Do you know personally whether he called on the pawnbrokers or not?

Mr. DAVIS. I only know from what Horning said, that they went to see two or three pawnbrokers. I never gave it a second thought. I said to Horning, "Costello is coming to see you about raising a fund."

Mr. WILLIS. Do you know whether Costello called on other organizations, bankers, or barbers, as you have suggested, or any other class of gentlemen?

Mr. DAVIS. My dear sir, we simply honeycombed the town.
Mr. WILLIS. Allowed no guilty man to escape?
Mr. DAVIS. We determined that no pluckible man should escape.
Mr. NOLAN. Who is Edward B. Kimball?
Mr. DAVIS. He is my office associate.
Mr. NOLAN. He has an interest in your business?
Mr. DAVIS. No, sir. Mr. Kimball is a young man who has lived in Washington for a long time, and he has been with me for more than 20 years. He is a graduate of the Columbian University, now George Washington University. He was with me before he went to law school. He is a graduate of Harvard. He has no interest in my business.
Mr. NOLAN. Not in any of your cases at all?
Mr. DAVIS. None whatever.
Mr. NOLAN. How long have you had your office in the Jenifer Building?
Mr. DAVIS. Since—I do not remember; since the building has been put up, 1901 or 1902.
Mr. NOLAN. Mr. Horning first employed you in this note brokers' bill, did he, or the loan-shark bill?
Mr. DAVIS. Yes.
Mr. NOLAN. Was he alone when you entered in that employment?
Mr. DAVIS. When he first came he was alone, and then he came to my office with two or three of these gentlemen, of whom I remember only Mr. Masters, whom I have known a long while. Masters, Horning, and somebody else, after Horning opened the subject, came to me and talked about the matter. That was after I had said I would go into it, and they came to talk to me generally.
Mr. NOLAN. In a brief way, what were the terms of that employment? What were you supposed to do in relation to that bill?
Mr. DAVIS. I was supposed to look after the interests of the note brokers and to get the legislation shaped as favorably to their interests as I could. And the first thing that occurred to me was to find out how these other jurisdictions treat these men. That was the object of my solicitude at the outset, and I endeavored to do that and to get a bill for them that would be as easy for them as might be consistent with congressional sanction.
Mr. NOLAN. You say to get legislation shaped and to get a bill favorable to them. What do you mean by that?
Mr. DAVIS. To get this measure shaped with reference to its provisions.
Mr. NOLAN. You wanted to have that bill amended?
Mr. DAVIS. Certainly.
Mr. NOLAN. The Dyer bill?
Mr. DAVIS. This was not the Dyer bill I am talking about.
Mr. NOLAN. What bill?
Mr. DAVIS. I do not know. You spoke of the Dyer bill.
Mr. NOLAN. I am speaking of the Dyer bill, first introduced that affected the loan sharks. When it came out of the committee it carried the pawnbrokers with it.
Mr. DAVIS. Now, your question, please.
Mr. NOLAN. My question was what was your particular work in relation to that bill, the loan-shark bill, whether it was Dyer's bill or somebody else's bill. Was it your purpose to frame amendments to

protect the loan sharks and get legislation such as was found in other States?

Mr. DAVIS. It was to make it as smooth and easy for them as possible. I did not give very much attention to those details of that work.

Mr. NOLAN. What were their particular objections to the bill?

Mr. DAVIS. I could not say to you.

Mr. NOLAN. You must have given that subject some attention. They must have explained to you why they were anxious to have that bill amended.

Mr. DAVIS. If I had the bill before me, I could probably recall. I have purposefully refrained from refreshing my recollection.

Mr. NOLAN. In getting statistics and bills from other States——

Mr. DAVIS (interposing). Looking up the law.

Mr. NOLAN. And looking up the law. What amendments, if any, did you prepare for that bill?

Mr. DAVIS. I could not answer that to save my life.

Mr. NOLAN. Did you ever prepare any amendments?

Mr. DAVIS. I can not answer. What I did I have stated. I gave a very full written statement of my views with reference to the bill and with reference to that kind of legislation as I found it in other jurisdictions.

Mr. NOLAN. Whom did you give that to?

Mr. DAVIS. To Horning.

Mr. NOLAN. Have you a copy of it?

Mr. DAVIS. No, sir.

Mr. NOLAN. In your files?

Mr. DAVIS. No, sir.

Mr. NOLAN. You did not retain a copy of that statement?

Mr. DAVIS. I have not looked for it to-day.

Mr. NOLAN. You would not say you have not got it?

Mr. DAVIS. I would not.

Mr. NOLAN. Will you look and see if you have it?

Mr. DAVIS. I certainly will.

Mr. NOLAN. You stated, Mr. Davis, as I understood you, that a good deal of your time was employed in going back over what you had done as associate corporation counsel, or whatever term you might have given to that office you held here when you were framing a law for the District of Columbia governing pawnbrokers. What had that to do with the loan-shark bill, if the pawnbrokers were not included in it?

Mr. DAVIS. In the first place, I did not frame a law for the pawnbrokers. I framed regulations.

Mr. NOLAN. That is what I mean. You framed the regulations for the District of Columbia governing pawnshops.

Mr. DAVIS. The inspection of pawnshops, and also I overlooked the bill, when it was in that form, the bill which afterwards became a law on March 2, 1889, governing pawnbrokers in the District. I started to give as general an idea as I could of what I did for the so-called loan sharks. I said among the first things I did was to refresh myself as to the provisions of the law in force with reference to pawnbrokers. Then I acquainted myself with the legislation of various States with reference to pawnbrokers, and those people who were loaning money on chattel mortgages. My inquiry was so to familiarize myself with the subject sufficiently to advise these gen-

tlemen intelligently as to the effect this bill would have upon their business, if it became law, and to make suggestions to them in the direction of amendments, or smoothing out its provisions.

Mr. NOLAN. If the pawnbrokers had not been mentioned in the case up to that time, what was your particular interest in the law in other States in relation to pawnbrokers and in the District?

Mr. DAVIS. I did not look for anything in any other States with reference to pawnbrokers, but only our own law. I wanted to see how the law was, whether there was anything in the pawnbrokers' law already affecting note brokers.

Mr. NOLAN. If I recall your testimony, you said that in looking for a law in other States you looked for a law affecting pawnbrokers.

Mr. DAVIS. On the contrary, I never meant to say anything of the kind. I just answered that I did not need to look it up.

Mr. NOLAN. I think you will find that is your testimony.

Mr. DAVIS Then. if that be so, I misunderstood the question. I did not bother myself about the law in regard to pawnbrokers in other States at that time. What I did at that time was to acquaint myself with the laws of the other States, covering the loan brokers, the so-called loan sharks, and I did find, and anybody will find these laws in the different States, in many instances, embrace pawnbrokers, and the provisions governing pawnbrokers as well as note brokers.

Mr. NOLAN. Besides that you wrote a brief, in which you reviewed your work for Mr. Horning and his associates, and put that in writing

Mr. DAVIS. That is what I did.

Mr. NOLAN. Is there anything else you did in relation to the loan sharks or note brokers?

Mr. DAVIS. I can not remember that I did more than that. That occupied me some six weeks.

Mr. NOLAN. Did you specify your fee of $2,000 prior to the time you wrote this brief, or after the completion of your work.

Mr. DAVIS It was before I had done anything very substantial, and I did not specify it as my fee, but I asked it as a retainer, principally as a retainer. I expected to be in that matter for a year.

Mr. NOLAN. And that money was paid to you in what manner; how was it paid?

Mr. DAVIS. It was paid in cash.

Mr NOLAN. How was it paid; $250 at one time and $500 at another time, or how?

Mr. DAVIS. No; my recollection is I got $500 at two different intervals, and then $1,000.

Mr. NOLAN. You issued no receipts to Horning on that occasion?

Mr. DAVIS. Never.

Mr. NOLAN. And you knew he had a number of associates?

Mr. DAVIS. I knew he had several. I did not know how many. He did not ask me for a receipt.

Mr. NOLAN. And you did not tender any?

Mr. DAVIS. Never did.

Mr. NOLAN. In relation to receipts, Mr. Davis, is it your habit to send bills to your clients?

Mr. DAVIS. It depends on what you call a habit. There are some to whom I send bills and some to whom I do not. If I send a bill to a client, and I receive a check in payment with the bill returned, I

receipt the bill and mail it back. That is, in some instances. I have no regular practice about it at all.

Mr. NOLAN. Is it customary for clients to pay you fees to the extent of $2,000 without demanding a receipt?

Mr. DAVIS. I have done it.

Mr. NOLAN. Or some sort of acknowledgment by you to those who pay that money?

Mr. DAVIS. When a man pays me money I ask him if he wants a receipt, and if he says he does I give it to him. Horning never asked me for one. It has happened in my practice over and over again, that when anybody would bring a check in payment of a balance due on account to my order, to the order of Henry E. Davis, that I would say, "Do you want a receipt," and he would say, "No, the check is a receipt."

Mr. NOLAN. How much business have you done for Mr. Horning?

Mr. DAVIS. I could not answer that, Mr. Nolan. He has been a client of mine off and on for the past 20 years.

Mr. NOLAN. During those 20 years do you recall the highest amount of money paid to you by Horning on a former occasion?

Mr. DAVIS. No. I heard him say here the other day that he once paid me a fee of $1,500. If he says so, he did it. I do not remember it.

Mr. NOLAN. You do not remember it yourself?

Mr. DAVIS. I do not remember.

Mr. NOLAN. You do not remember any case in which there was a fee of that kind?

Mr. DAVIS. Now, Mr. Nolan, without disclosing the matter, I could not very well answer that question, but I do remember a matter for Horning, my attention to which extended over some time, but what I charged him for it I have no idea. But the business I did for Horning was at intervals. He would come to my office with something he wanted attended to, and he would ask me my charge and I would tell him and he would give me the money.

Mr. NOLAN. You say you do not keep any books in your office?

Mr. DAVIS. I never kept a book in my life.

Mr. NOLAN. In case of payments to you, do you always write your receipts out in long hand?

Mr. DAVIS. No, sir; not always. I write them by typewriting.

Mr. NOLAN. You dictate them?

Mr. DAVIS. Yes; I dictate them.

Mr. NOLAN. Was your stenographer present on this occasion, February 26?

Mr. DAVIS. How do you mean—was she in town?

Mr. NOLAN. In the office.

Mr. DAVIS. I have not an idea whether she was in the office, or whether it was at lunch time, when she was out, or not.

Mr. NOLAN. Was there any particular reason, that you can recall, why this receipt here was not dictated to your stenographer?

Mr. DAVIS. None in the world. I venture to say that you can find more of my receipts in my handwriting than you can find from dictation.

Mr. NOLAN. Now, Mr. Davis, at this time that Mr. Horning came to your office, on February 26, he said he told you he was having some trouble with the pawnbrokers over Mr. Ryan's fee, did he not?

Mr. DAVIS. Yes, sir.

Mr. NOLAN. Over the amount of money to be paid to Mr. Ryan?

Mr. DAVIS. No; any money.

Mr. NOLAN. Any money?

Mr. DAVIS. He said they would not stand for paying him anything.

Mr. NOLAN. And he called that to your attention at the time that you were making out this receipt?

Mr. DAVIS. I had just started to write it. I had the pen in my hand, and the paper before me, just starting to write the receipt when he spoke to me.

Mr. NOLAN. Why did you not give him a receipt for $1,500, and have Mr. Horning get the other receipt for $500, to satisfy his associates, from Mr. Ryan?

Mr. DAVIS. For the reason that Mr. Horning told me his associates would not pay Mr. Ryan anything; a voucher from Mr. Ryan would not have cut any figure in Mr. Horning's settlement with his associates. I gave him a voucher to show that he had spent $2,000, which he had done.

Mr. NOLAN. Up to that time he had only spent $1,500; is that not right, Mr. Davis?

Mr. DAVIS. No—to me, he had only given me $500.

Mr. NOLAN. But I say that up to that time he had only spent $1,500. He had paid you $1,500; that is, you had $1,500 in actual cash?

Mr. DAVIS. Up to that time?

Mr. NOLAN. Up to the time that you signed that receipt, and he left your office?

Mr. DAVIS. Mr. Nolan, I have stated that twice already. It is an unusual thing for me to be asked to restate a thing that I have seriously stated once.

Mr. NOLAN. One moment; perhaps you do not understand my question. It is not along the same line; but I say that up to the time that he left your office, in the possession of the $500 that you returned to him, that he only had expended $1,500 of the $2,000; is that not right?

Mr. DAVIS. No, I can not see it at all. What happened was this: He had paid me $500. He came to me with $1,500 more. He laid it down on my desk before me, to pay me, and asked me for a receipt—at which I was surprised, because he had never done a thing like that before. He saw my surprise, evidently, for without a word from me, he said "I want that to show that I gave you that money," and talked about the difference they had had among themselves, which he had already referred to before.

Mr. NOLAN. In relation to Mr. Ryan.

Mr. DAVIS. Oh, no, no, no. He had spoken to me between the signing of the bill and the date of paying this money about my account, and I told him that it was $2,000. He said: "I doubt if I can get it. The boys will kick." Then, he came back the 26th day of February and told me that he had got them up to the $2,000, and he said the reason he wanted the receipt was that he wanted them to see that he had actually paid the $2,000 on their account. Then when I picked the sheet up and started to write the receipt, he brought up the Ryan matter.

Mr. NOLAN. And then, before you had signed the receipt for the $2,000, you knew that he was going to have difficulty in paying Mr. Ryan $500; is that not right?

Mr. DAVIS. I knew he was not going to pay him at all, he had already had the difficulty. He said to me, "I have been trying to get them to give Mr. Ryan something"—"Paddy"—he called him "Paddy" Ryan. And he said "They will not come up, and I will be obligated to him for $500, and I have got to give that much myself, unless we can make it up some other way." I understood, of course, what he meant plainly enough, and I said, "Mr. Horning, you have spent a good deal of money on this thing," and I made some remark about Mr. Ryan, about his being a good fellow, and working for the plate printers, and, so far as I knew, he was working hard to support his family and he had earned, as I supposed, the money, and for Mr. Horning to take it out of my fee.

Mr. NOLAN. You considered Mr. Ryan a reputable attorney and a reputable citizen?

Mr. DAVIS. Certainly. I do now.

Mr. NOLAN. And you considered Mr. Ryan's signature to a receipt for $500 just as good as your own, did you not?

Mr. DAVIS. Surely.

Mr. NOLAN. As a verification for paying money. Then, why should Mr. Ryan not have signed that receipt for $500, and you have given a receipt for $1,500, instead of your giving the receipt for $2,000, when you had nothing to do with employing Mr. Ryan?

Mr. DAVIS. Because it was nobody's business but mine. Mr. Horning had said at first that these men would not agree to have Mr. Ryan getting a dime, and he could not go back to them with a voucher from a man whom they refused to permit to be paid. The only way he could take his voucher was to take mine, and I gave it to him. If there was anything wrong about it, I did it.

Mr. NOLAN. Still, the testimony here is that he had trouble in getting them to agree to your $2,000?

Mr. DAVIS. So he did; he told me.

Mr. NOLAN. Now, Mr. Davis, I do not know whether you were here when Mr. Heidenheimer and Mr. Burnstine testified?

Mr. DAVIS. No; I heard only a few words of Mr. Heidenheimer's testimony.

Mr. NOLAN. This record shows that Mr. Burnstine testified that he never knew what your fee was to be up to the time he was on the stand here. This record shows that Mr. Heidenheimer testified that, to the best of his recollection, even after the meeting in your office on that Tuesday morning, that to the best of his recollection, your fee was only $1,50 . That is the testimony of both Mr. Burnstine and Mr. Heidenheimer.

Mr. DAVIS. Well, suppose it is; what of it?

Mr. NOLAN. How do you account for it, then, that Mr. Horning had this difference with his partners over a $2,000 fee, when both of them testify that no such sum as $2,000 was ever mentioned to them?

Mr. DAVIS. I account for it by the fact that Mr. Horning told me so, and I never knew him to lie to me. But, Mr. Nolan, whether it was true or false, he said it to me. It was my motive in parting with that money. I signed that receipt the day it bears its date, and I

intended it to be a voucher to Mr. Horning with his associates for $2,000. Now, all the talk on the continent can not change it.

Mr. NOLAN. Now, that is what you say, Mr. Davis.

Mr. DAVIS. I say so.

Mr. NOLAN. But the proposition here is with some of this committee—at least with me—that talk might change it.

Mr. DAVIS. Very well, sir, you are welcome to your opinion.

Mr. NOLAN. And you bet I have got it.

Mr. DAVIS. I have no doubt you have; but you will keep it here in this room.

The CHAIRMAN. Let us have order here, gentlemen.

Mr. NOLAN. I will just say, in reference to him challenging me, Mr. Chairman, that as to any constitutional protection that is shed over me by virtue of my office as a Member of the House of Representatives, Mr. Davis wants to understand that, either in this building, or outside of it——

The CHAIRMAN (interposing). Let us not go into that, gentlemen. We will get along all right without it.

Mr. NOLAN. Did you recommend at any time the employment of any labor men, Mr. Davis?

Mr. DAVIS. I did not, sir.

Mr. NOLAN. Have you got an account with any of the banks in the city of Washington, Mr. Davis?

Mr. DAVIS. Yes; I have.

Mr. NOLAN. Would your looking over your bank account refresh your memory in relation to any of these payments of Mr. Horning's, a payment such as $1,500, or $1,000, on any particular date?

Mr. DAVIS. Well, now, Mr. Nolan, I ought to be able to say "yes" to that; but to say "yes" to it would involve the supposition that I deposited all the money that I got at the time. I have not the slightest objection to the committee making any investigation of my bank books or allowing anybody else to do it, with a view to seeing if such deposits appear. Obviously they would not be a guide. I will look and see, if that is what you desire.

Mr. NOLAN. I think we ought to have, if possible, some method of arriving at the time those payments occurred——

Mr. DAVIS (interposing). Wait a minute. Do you mean on this last $2,000?

Mr. NOLAN. Well, on both payments of $2,000. Mr. Horning has not any way of fixing it in his mind, and Mr. Davis does not keep any books, and I think it is vital that we ought to have that information. You do not recall the time that you got those payments from the note brokers?

Mr. DAVIS. No, indeed, I do not.

Mr. NOLAN. Did you know that Mr. Horning had any money left—or did you know of the existence of the note brokers' fund?

Mr. DAVIS. I knew nothing about it, sir.

Mr. NOLAN. And you did not know whether he had any money left in that particular fund, or not?

Mr. DAVIS. I knew nothing about it.

Mr. NOLAN. That matter of that contribution of $500, I have that on the book here, but that has been straightened out. That was in October, 1912, and the settlement was in 1913.

The CHAIRMAN. That is the campaign contribution that you refer to?

Mr. NOLAN. Yes. That is all, Mr. Chairman.

The CHAIRMAN. Do you remember whether that payment of $2,000 out of the note-brokers' fund, as it has been commonly designated here, was made in cash or by check?

Mr. DAVIS. It was made in cash. I have never seen Mr. Horning's name to a check in my life, that I remember, either to me or to anybody else.

The CHAIRMAN. He always does his business with cash?

Mr. DAVIS. Yes, sir.

The CHAIRMAN. Mr. Davis, I wish you would, if you can in any way, examine your books, your bank books, or any memoranda or data that you may have, to see if you can ascertain a record about the time those payments were made.

Mr. DAVIS. Certainly; I will do that.

The CHAIRMAN. There is a phase of this matter that we think may be very important to the committee.

Mr. DAVIS. I will be very glad to do it, Mr. Chairman; very glad to do it.

The CHAIRMAN. Will you look for that and advise the committee as soon as possible?

Mr. DAVIS. When are you going to rise, Mr. Chairman? I am going to try to leave town to-morrow or Monday.

The CHAIRMAN. Do you mean when do we adjourn to-day?

Mr. DAVIS. No; when do you wind this investigation up? Will you be through within a week or two, or will you still be going on then?

The CHAIRMAN. The full investigation, possibly, we will not be through with; but if you can get that information, we will be glad to get through with this feature by to-morrow. We will be glad to get through with this pawnbrokers and loan-shark end of the investigation to-morrow.

Mr. DAVIS. I will use my best endeavors to let you have it to-morrow; but I doubt very much that I can do it.

Mr. W. A. FOSTER. Mr. Chairman, may I ask the indulgence of the committee for a moment?

The CHAIRMAN. Yes.

Mr. FOSTER. I am not represented here by counsel, and yesterday my name was brought into this matter.

Mr. DAVIS. Am I excused, Mr. Chairman?

The CHAIRMAN. Just a moment, Mr. Davis.

Mr. FOSTER. I would like to ask Mr. Davis one question and I think he can answer it "yes" or "no," as long as my name was brought into it.

The CHAIRMAN. Are you W. A. Foster?

Mr. FOSTER. W. A. Foster; yes, sir.

The CHAIRMAN. Is there any objection to Mr. Foster asking Mr. Davis a few questions? It is Mr. W. A. Foster who was referred to by Mr. Johnson in his testimony yesterday.

Mr. FOSTER. I have no counsel; I am without an attorney in this matter, and I would like to have that privilege.

The CHAIRMAN. In the absence of objections, you may proceed, Mr. Foster.

Mr. FOSTER. Mr. Davis, have you had any connection with me in this pawnbroker matter in any way?

Mr. DAVIS. No.

Mr. FOSTER. Mr. Chairman, could I ask Mr. Mulhall the same question, and clean it all up at once?

The CHAIRMAN. Not at this time. In the first place, there has been no testimony by Mr. Mulhall on this phase of the matter in any respect; then, in the second place, Mr. Mulhall is not here at this time.

Mr. EASBY-SMITH. I have a few questions I would like to ask, Mr. Chairman.

The CHAIRMAN. All right, you may proceed.

Mr. EASBY-SMITH. Mr. Davis, are you acquainted with Mr. James T. McDermott?

Mr. DAVIS. I never saw him in my life until I saw him here in this room within the last two or three days.

Mr. EASBY-SMITH. Did you ever hear from Mr. Horning or any other person or in any other manner whatsoever that Mr. McDermott was in any manner interested in any of the loan-shark or pawnbroker legislation?

Mr. DAVIS. Never. Never heard his name mentioned in connection with it by anybody.

Mr. EASBY-SMITH. That is all.

The CHAIRMAN. You will be excused, Mr. Davis, and the committee will take a recess until 3 o'clock p. m.

(Thereupon, at 1.03 o'clock p. m., the committee took a recess until 3 o'clock p. m.)

AFTER RECESS.

The committee reassembled after the expiration of the recess.

The CHAIRMAN. Mr. Foster, you informed me this morning that there were one or two matters personal to yourself, which were brought out in the testimony of Representative Johnson yesterday concerning which you desire to ask him a question or two.

Mr. FOSTER. Yes, sir.

The CHAIRMAN. The committee would not make a precedent of calling anybody to submit to a cross-examination by a private party, but I have had a conference with Representative Johnson, and he has no objection to answering your question, but make it just as brief now as you possibly can, because we want to get on with these matters. Mr. Johnson is on the stand now and you may ask him whatever question you have.

Mr. FOSTER. I am not represented by counsel, Mr. Chairman.

The CHAIRMAN. I understood that, Mr. Foster.

Mr. FOSTER. And it is not only one or two questions—there are quite a number, because I think he and I will agree on a good many things, don't you understand, but I want to get it a little more elucidated than it was yesterday, as far as I understand.

The CHAIRMAN. Have you read the testimony that Mr. Johnson gave yesterday?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Have you read it in the record, or have you read it in the newspapers?

Mr. FOSTER. No; I will tell you what occurred. I asked your secretary for the record yesterday and he told me that he had given

it to the papers exactly as it is in the record; and the consequence is I do not think Representative Johnson will object to any information that I could gain that way.

Mr. JOHNSON. Not in the slightest.

The CHAIRMAN. The representatives of the press took their own reports of the testimony, and the clerk of the committee, I presume, had nothing to do with fixing up the newspaper reports in any way.

Mr. FOSTER. Well, I asked him this morning if I could read one of the copies, and he said that Mr. Easby-Smith—I am not acquainted with him—he said that he had the record of yesterday, and I did not care to go over that; I did not have time to go over that; and I do not think that Representative Johnson will make any objection whatever.

Mr. JOHNSON. I am sure I will not; I do not know what it is.

TESTIMONY OF HON. BEN JOHNSON, A REPRESENTATIVE FROM THE STATE OF KENTUCKY—Continued.

Mr. FOSTER. Mr. Johnson, I called on you one morning and asked you, did I not, for a hearing for Mr. George Horning, and you told me to bring him around?

Mr. JOHNSON. No; that is not right. The first time I ever knew of your having any association or connection with Mr. Horning was when you came into my office with him.

Mr. FOSTER. Well, we will not agree on that, because I think I can prove by other parties——

The CHAIRMAN (interposing). Well, now, Mr. Foster, just ask your questions, please, and do not undertake to testify at this time. If you desire to testify, you will be given an opportunity later.

Mr. FOSTER. Yes; I am going to testify. I brought Mr. Horning in and introduced him to you, and he took up with you his part of the loan-shark bill; that is right, is it not?

Mr. JOHNSON. No; you opened the conversation. That was my objection to it.

Mr. FOSTER. Will you kindly tell me in what way I opened the conversation?

Mr. JOHNSON. By referring to the pawnbrokers' provision of the loan-shark bill, and for the purpose of discussing with me as to whether or not it could be gotten out.

Mr. FOSTER. Mr. Horning did not do the talking?

Mr. JOHNSON. He did not.

Mr. FOSTER. I did the talking?

Mr. JOHNSON. Yes; you did the talking. I do not mean by that he did not say anything, but that the gist of the conversation was with you.

Mr. FOSTER. And after leaving there you and I met in the subway and had some trouble?

Mr. JOHNSON. Well, we had some words; yes.

Mr. FOSTER. I brought a letter of introduction to you from Mr C. C. Calhoun, you testified yesterday?

Mr. JOHNSON. Yes.

Mr. FOSTER. And at that time that I brought that I asked you for a position as clerk to your committee?

Mr. JONNSON. Yes.

Mr. FOSTER. And you informed me that Mr. Gore would be your clerk?

Mr. JOHNSON. Yes.

Mr. FOSTER. That Mr. Gore would be your clerk. What reason had you for thinking that that had any connection with the pawnbrokers, when it was long previous to that?

Mr. JOHNSON. I did not testify yesterday that I thought it had any connection with it, but in relating that circumstance I said that if it had any significance, that the significance would appear later.

Mr. FOSTER. After the presentation of my letter of introduction, and a social conversation with you, something in regard to aviation came up?

Mr. JOHNSON. Yes.

Mr. FOSTER. And either you or I suggested that we go out to the aviation field for you to fly?

Mr. JOHNSON. Yes.

Mr. FOSTER. And we made it for a Sunday?

Mr. JOHNSON. Yes.

Mr. FOSTER. On a Sunday I called at the Cochran Hotel and took you out—you telephoned to Mr. Ollie James, and he was not in?

Mr. JOHNSON. I do not recall that. I remember that Senator Overman was with us, and some others.

Mr. FOSTER. Well, I have the account, and I think I will show it before I get through. We left about 2 o'clock on Sunday—because I was acquainted with Capt. Chandler, and thought he would fly, but we had no permit and they would not allow you to go up at that time; is that right?

Mr. JOHNSON. That is right; yes.

Mr. FOSTER. We got back about—I likewise took in that same thing, I provided your car, and Senator Overman and some others, you named them here, Capt. Oyster—no; I do not think Capt. Oyster was there the first day. We went out to the aviation field and we got back about 7 o'clock that night. Is that right?

Mr. JOHNSON. I do not recall.

Mr. FOSTER. I likewise provided a car for you—for three of your assistants—transportation for the others, because we wanted them to go. Is that right?

Mr. JOHNSON. Yes; you told me whose cars they were, but I forget. Was one of them Mr. Wilkie, or some such name?

Mr. FOSTER. Yes; Wellington. Later on, you got a permit—I went to see Gen. Allen——

The CHAIRMAN (interposing). Mr. Foster, excuse me a minute. Is there anything particularly significant attached to that trip out there?

Mr. FOSTER. Oh, vastly, vastly. If you will allow me to get through—if you want to be fair, Mr. Chairman——

Mr. NOLAN. If Mr. Foster wants to testify, let him go on the stand, Mr. Chairman.

Mr. JOHNSON. Let him go ahead. I am willing.

The CHAIRMAN. Well, we have got something else to do. Does this have any bearing in any respect on this matter of our inquiry under the resolution of the House of Representatives? To be entirely candid with you, I do not see that it has.

Mr. FOSTER. Well, this testimony yesterday—I am going to show, if I can, the courtesy and friendship that existed at that time between Mr. Johnson and myself.

The CHAIRMAN Well, Mr. Johnson testified to that yesterday.

Mr. JOHNSON. You can see everything in the testimony that you are now talking about.

The CHAIRMAN Mr. Johnson testified to that yesterday; he explained it very fully.

Mr. FOSTER I am going to ask him in regard to that, if, after that, we went another time, which I think he will agree to, and he went up that time, and on returning we went to the Rudolph for supper—Mr. Johnson, myself, and others.

Mr. JOHNSON Yes; that is all right. There is not a particle of trouble about that.

Mr. WILLIS I do not think there is any materiality about that.

Mr. FOSTER Well, there will be, Mr. Willis, before we get through. I want to ask Mr Johnson, again, if when he returned from Kentucky he did not send me two gallons of sorghum molasses [Laughter]

Mr JOHNSON Yes You asked me for it, and I sent it to you.

Mr FOSTER. I am going——

The CHAIRMAN Oh, well, Mr. Foster——

Mr. JOHNSON (interposing) I said yesterday, and I repeat it now, that during all that time I saw no cause for complaint in you at all. All you need to do is to read my testimony of yesterday.

Mr. FOSTER. And I am going to ask you if you did not write me a letter asking me to find you a house, or some place, or an apartment—I think I can produce the letter.

Mr. JOHNSON. Yes; I wrote that letter, and I heard afterwards that you were showing it around and saying that you and I were especially friendly together and that you had influence with me. [Laughter.]

Mr. FOSTER. Who did you hear that from?

Mr. JOHNSON. Col. Judson told me. I testified about that yesterday. You only need to read my testimony; that is your only trouble.

Mr. FOSTER. There is no trouble of mine at all, Mr. Johnson.

The CHAIRMAN. Well, we are not getting very far by all of this.

Mr. FOSTER (interposing). There is no trouble at all.

The CHAIRMAN. We are not getting very far on this, Mr. Foster. Mr. Johnson testified very fully to these matters yesterday. I do not see how going over these matters is going to——

Mr. FOSTER (interposing). Mr. Johnson testified to it, but I think I ought to be allowed to testify about it, too. It will be a fair thing to give me a hearing.

The CHAIRMAN. Well, you will have an opportunity for a hearing.

Mr. FOSTER. Not only that, but I think I ought to be allowed——

Mr. NOLAN (interposing). The best time to do that is after you have read his testimony. Get a transcript of the testimony and find out what Mr. Johnson does say, and then come here and ask questions about it.

The CHAIRMAN. I do not see how you can base your questions on newspaper reports; the newspapers do not report the hearings fully.

Mr. FOSTER. Well, he has testified, and all I ask is an opportunity to testify, too. Mr. Johnson, in your interview with Mr. Horning, did you not, in my presence, tell Mr. Horning that you were opposed to the loan-shark people, opposed to the amount of interest charged?

Mr. JOHNSON. I told everybody that, whoever mentioned the subject to me.

Mr. FOSTER. Furthermore, didn't you testify at that time that you would put them out of business, if you could?

Mr. JOHNSON. Yes.

Mr. FOSTER. I am asking that because I agree with that thoroughly. I know that that is absolutely true.

Mr. JOHNSON. I said that yesterday. If you will read my testimony, you will find that in it.

Mr. FOSTER. May I ask another question that was testified to yesterday: Did you have a permit to carry a revolver at the time that you carried that .45-caliber revolver?

The CHAIRMAN. Well, you need not answer that question, Mr. Johnson.

Mr. FOSTER. All right.

Mr. JOHNSON. I can answer it very quickly, if you want an answer. I did not have.

The CHAIRMAN. Well, you need not have answered it.

Mr. FOSTER. You did not?

Mr. JOHNSON. I did not; and on other occasions when I had one, I did not have a permit.

Mr. FOSTER. Mr. Johnson, after that one visit, did I ever call on you in regard to loan sharks in any way?

Mr. JOHNSON. After you were there with Mr. Horning?

Mr. FOSTER. Yes.

Mr. JOHNSON. You did not.

Mr. FOSTER. I never appeared before any committee to testify in regard to Mr. Horning?

Mr. JOHNSON. You did not.

Mr. FOSTER. Or in any way whatever?

Mr. JOHNSON. You did not.

Mr. FOSTER. You refused that hearing to Mr. Horning and afterwards granted it at the request of somebody else, didn't you?

Mr. JOHNSON. How was that?

Mr. FOSTER. You refused Mr. Horning at that time, but granted it at the request of somebody else afterwards?

Mr. JOHNSON. No.

Mr. FOSTER. You did not afterwards?

Mr. JOHNSON. No.

Mr. FOSTER. It was not after that?

Mr. JOHNSON. No; and never was any hearing before the House committee. If you will read my testimony of yesterday, you will find where I stated that yesterday.

Mr. FOSTER. Mr. Johnson, did you not yourself apologize to me——

The CHAIRMAN (interposing). Oh, he testified to that yesterday, Mr. Foster.

Mr. JOHNSON. If you will read my testimony of yesterday——

The CHAIRMAN. Mr. Foster, before going any further with the matter, it is perfectly evident from the questions that you have asked that you have not read Mr. Johnson's testimony.

Mr. FOSTER. I only read——

The CHAIRMAN (interposing). Well, will you read that, please?

Mr. JOHNSON. Well, you must not rely upon a Washington newspaper for anything relative to me. If you do, you will not get the truth about it.

The CHAIRMAN. The committee's time is very important. Evidently you have not read Mr. Johnson's testimony. He testified to that very fully and explained fully the meeting with you upon the street car, when he went to you and sat down and said he would explain to you that he had used some language that he need not have used, and used, himself, the word "apologize," and he apologized to you at that time. His evidence was all given on that point. If you will read that, I think we will get along better after doing so. You may stand aside, Mr. Johnson. You will have further opportunity, Mr. Foster, to be heard on this matter; but it is perfectly evident to the committee that you have not read the testimony, and it is delaying the committee for you to take the matter up now.

TESTIMONY OF MR. MARTIN M. MULHALL—Resumed.

The CHAIRMAN. Mr. Mulhall, when you left the stand this morning I was asking you about No. 3779, 3784, and the matter under discussion at the time was as to the two men to whom you referred when you said, "The two gentlemen I had engaged working on Democratic Congressmen told me they were fairly successful in keeping a lot of Members away from the House." I am trying to identify those two men. I will ask you if, since you left the stand, you have thought any more about it, or are able to make any further explanation of that now?

Mr. MULHALL. Yes, sir. I think, after reading the letter over, that the two men were two labor workers I had here visiting some of the labor members and some Members of the House.

The CHAIRMAN. And you do not think you had in that any reference to Representative Dwight or Representative McDermott?

Mr. MULHALL. I did to Mr. McDermott, but not to Mr. Dwight. Mr. McDermott was engaged on the same line of labor at that time.

The CHAIRMAN. He was not one of those two gentlemen referred to specially?

Mr. MULHALL. Not one of those two that that article speaks of.

The CHAIRMAN. You feel pretty positive, do you, that the full note which is quoted in the fine print on page 17 N J was handed to you by Mr. McMichael, that all the sentences there were contained in that note?

Mr. MULHALL. I would not be positive without seeing the note, but from my best memory at the present time and the way it reads I would say it was.

Mr. WILLIS. Let me ask one question there. I call your attention to the last sentence in that supposed note, Mr. Mulhall. It says, "I will look after the end of keeping the other side away." Do you know whether Mr. McMichael, who you say wrote this note, was active in that work?

Mr. MULHALL. I think he was working for us at that time, Mr. Willis.

Mr. WILLIS. You think Mr. McMichael was morking to keep the other side away?

Mr. MULHALL. Yes, sir.

Mr. NOLAN. Do you remember, Colonel, who those two labor men were?

Mr. MULHALL. I was thinking over that. Mr. George Gibson was one of them, and I can not just think of the other gentleman's name, because Mr. Gibson produced him. I was thinking it was Mr. Booth, of Baltimore, but since I went back and studied the matter over I don't think Mr. Booth was here.

Mr. NOLAN. Who was George Gibson?

Mr. MULHALL. A well-known labor worker, an employee of the Census Bureau and a friend of mine for a number of years.

Mr. NOLAN. In Washington here?

Mr. MULHALL. He was at that time; he is not now.

The CHAIRMAN. No. 3836 seems to be a letter from Mr. McMichael to you under date of July 5, 1910, the last sentence of which I quote: "I am sending you under another cover the first order of cookbooks, and you can see what they look like." Very briefly, what was that?

Mr. MULHALL. Those were books gotten up by the Government, the Agricultural Department, and, I believe, edited by the Secretary of that department, Mr. Wilson. Through the courtesy of Congressman McDermott and Mr. McMichael, I was furnished, I guess, with about 50 of them and sent them out to our friends.

Mr. STAFFORD. Of course you know that Secretary Wilson never compiled any cookbook.

Mr. MULHALL. I believe, Mr. Stafford, that it read, "compiled by."

Mr. STAFFORD. There has been no publication which bears his name relating to a cookbook.

Mr. MULHALL. They were gotten up by the Agricultural Department. Did you ever see any of them, Mr. Stafford? They are a very elegant book.

Mr. STAFFORD. I heard the testimony of Mr. McMichael in which he said that they were a compilation of some 13 or 15 farmers' bulletins, compiled by McMichael and bound——

Mr. MULHALL. Yes; bound in morocco. Bound at the instance of some one—by Mr. McMichael's order.

Mr. CLINE. How many did you say you had of those?

Mr. MULHALL. I believe about 50.

Mr. CLINE. Flexible covers?

Mr. MULHALL. No, sir; bound in morocco; and the names of the parties we sent them to were on the outer cover of the book.

Mr. CLINE. Did you give him a list of names so as to have them printed on the books?

Mr. MULHALL. Yes.

Mr. CLINE. These were all sent out under frank, were they?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Whose frank did you usually use, Mr. Mulhall?

Mr. MULHALL. I used, as a rule, about three franks: Mr. Fairchild's, Mr. McDermott's, and sometimes Mr. Gardner's.

Mr. CLINE. You used very large quantities of them, didn't you?

Mr. MULHALL. Yes, sir.

Mr. CLINE. As high as 25,000 at a time?

Mr. MULHALL. No; the highest amount I ever got was a thousand at a time.

Mr. CLINE. The reason I asked that is that I notice that in some correspondence there were orders for as high as 25,000 pamphlets or reports.

Mr. MULHALL. I guess that was through Mr. Emery's correspondence.

Mr. CLINE. You do not know whether it was in connection with your work or not?

Mr. MULHALL. No, sir; I think it was in connection with Mr. Emery's work.

Mr. CLINE. Did you begin the use of that franking privilege as soon as you began to work here—as soon as you located here in 1909?

Mr. MULHALL. I began the use of that franking privilege when I first came here with Mr. Cushing. Mr. Cushing was using them at that time, and the organization used it up to the time I left the organization in 1911.

The CHAIRMAN. Now, the next part of that letter reads:

Now, Colonel, if you are not going to use me for some little time to come I would be more than willing if I could get something to do at the office in New York; anything just so I could make living expenses and get my mind on some kind of work. It will help to pass the time away.

You received that from Mr. McMichael, didn't you?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did you make any effort to get him a place in New York?

Mr. MULHALL. Mr. McMichael suggested to me that I should get him a place in the New York office. I was talking about getting him some field work, but I felt that Mr. McMichael could not fill the bill along that line, so I believe I never brought him over.

The CHAIRMAN. What character of field work did you contemplate giving him?

Mr. MULHALL. Political work.

The CHAIRMAN. In aid of elections or strike breaking?

Mr. MULHALL. No, sir; in the aid of elections. I found that Mr. McMichael did not have a union card, and he could not get into the organizations.

Mr. WILLIS. Did he ever do any political work for you in Baltimore or elsewhere in Maryland?

Mr. MULHALL. I believe he came over to Baltimore on two or three occasions and seen some members over there.

The CHAIRMAN. Members of what?

Mr. MULHALL. I think he seen some of the Baltimore delegation.

The CHAIRMAN. You mean Members of the House of Representatives?

Mr. MULHALL. Yes, sir; and seen some politicians over there.

The CHAIRMAN. Do you remember what it was he saw them about?

Mr. MULHALL. I was engaged over there at different times in different campaigns. In 1903 I was engaged very actively in the Wachter fight against McComas organization, and again in 1904 in the McComas fight——

The CHAIRMAN. You did not know Mr. McMichael at that time?

Mr. MULHALL. No. I say I was always engaged in politics in Maryland——

The CHAIRMAN. I understand. I was asking about Mr. McMichael.

Mr. MULHALL. Mr. McMichael might have seen some politicians that I would have him go to see. I just can not remember, but I know he came over once or twice at my suggestion.

The CHAIRMAN. Do you happen to know what he saw the members of the Baltimore delegation in Congress about?

Mr. MULHALL. I think it would be pertaining to labor legislation.

The CHAIRMAN. Have you any definite recollection about that, Mr. Mulhall?

Mr. MULHALL. Not at the present time.

The CHAIRMAN. Are you prepared to state positively that he did see Members of Congress about that over there at any time?

Mr. MULHALL. I am not sure of that now, Mr. Garrett; it is too long ago. I have not got my mind clear, without having it refreshed by the correspondence.

The CHAIRMAN. I do not think you will find anything in the correspondence which would indicate that; at least I have not found anything.

Mr. MULHALL. I am under the impression that there is; I think there is a letter to that effect.

The CHAIRMAN. If so, I presume we will find it. Now, No. 3859 seems to refer again to the cookbook proposition. That was that same cookbook, wasn't it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And there is nothing new in that letter. Now, we come to this letter No. 4140, 4141, which you are writing to Mr. McMichael under date of March 13, 1911, in which you say—

I came over this morning at the express invitation of one of our congressional friends from Maryland. I did not know I was coming until I received a phone message from him last evening.

You say, "I came over this morning." That seems to have been written from Washington to Mr. McMichael, who was here in the city, I presume, at that time. It is addressed to him here in the city.

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You say, "I came over this morning at the express invitation of one of our congressional friends from Maryland." Who was that, do you know?

Mr. MULHALL. Well, I am not clear on that subject, Mr. Garrett.

The CHAIRMAN. You do not remember who it was?

Mr. MULHALL. No, sir. I used to ride over on the train frequently, and different Members would come over on the same train at 8.40.

The CHAIRMAN. This says, "At the express invitation."

Mr. CRIM. I suggest, Mr. Chairman, that you let him read the letter. Perhaps from the context he may be able to ascertain.

The CHAIRMAN. I want to see if that is in relation in any kind of way to Mr. McDermott.

Mr. MULHALL. No, sir; that would not have any relation to Mr. McDermott.

Mr. STAFFORD. I would like to call your attention to the date, that this was after the adjournment of the Sixty-first Congress and just before the convening of the Sixty-second Congress, when, as has been testified by Mr. McMichael, you were interesting yourself toward trying to get a position for him in the House.

Mr. MULHALL. Well, I interested myself with several Members, and I could not just say, Mr. Stafford, who it was.

Mr. STAFFORD. I just made that remark to try to refresh your memory, for you to try to ascertain who this person was that invited you to come over here to Washington.

The CHAIRMAN. Look at the paragraph which reads:

I have been in daily touch with the friends we have talked about over in Baltimore, and I am positive that if you will get a line on who the doorkeeper will be to a reasonable certainty, I can do a lot of work for him, which will make you perfectly solid in that direction.

The doorkeeper at that time had the appointment of the chief page, had he not?

Mr. MULHALL. From reading another letter, and looking it over, Mr. Garrett, I imagine that at that time I had a good deal of influence with the city administration, and I thought I might be able to reach some member of that administration to help Mr. McMichael——

The CHAIRMAN. To retain his position as chief page?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That is what that refers to?

Mr. MULHALL. I would not be surprised if it did.

The CHAIRMAN. You were only interested in who the doorkeeper should be so far as aiding Mr. McMichael to retain his position was concerned?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You had no other interest in who might be elected doorkeeper?

Mr. MULHALL. No, sir; I had not, only the retention of Mr. McMichael.

The CHAIRMAN. Now, you refer above there to some bulbs that had been requested for Mr. Emery. I think we have had enough explanation about that unless there is something about it that has some significance more than has been developed so far. Had Mr. McMichael made a request on somebody for some bulbs for Mr. Emery?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And at your instance, or at Mr. Emery's instance?

Mr. MULHALL. At my instance. Mr. Emery wrote me and then I requested to have Mr. McMichael send them to him.

The CHAIRMAN. You say:

I have not heard from Mr. Kirby in relation to those books that were put in the mail. It seems to me there is something very mysterious about those books, and it would be a great relief to my mind if I could feel positive that they had reached their destination.

What books were referred to there? Do you know?

Mr. MULHALL. It was a set of books. I can not just recall the title of the books at the present time, but a set of books that filled a complete mail sack that was put into the mails and it went astray. We had been tracing them quite a while.

The CHAIRMAN. Those had been gotten up by Mr. McMichael and addressed to Mr. Kirby?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And the mail sack went astray?

Mr. MULHALL. Yes, sir. I think the other letters will supply the title of the books and the entire transaction, because there was a good deal of correspondence back and forth.

The CHAIRMAN. As a matter of fact, the books never were found, were they? Or do you know?

Mr. MULHALL. No, sir; only in this way. We learned afterwards that it was just at the changing of Congress; the Republicans going

out and the Democrats coming in, and Mr. McMichael explained that a lot of those people lo ing their places were getting anything they could out of the mails at that time and using it for their own purposes, and that is the only explanation he gave me.

The CHAIRMAN. Did you ever find out whether the books had actually been mailed?

Mr. MULHALL. Yes, sir; I went down to the post office here in the building and saw the postmaster, and he said the books had been put in the mails.

The CHAIRMAN. There was a record of their mailing?

Mr. MULHALL. Yes, sir. As a general rule, I used to put a 10-cent stamp in addition to the frank on any books or anything of value that I sent out.

The CHAIRMAN. Did you send these out yourself?

Mr. MULHALL. I believe I went down when those were sent out with the page that Mr. McMichael had carry them down, and it seems to me they were properly mailed.

The CHAIRMAN. You spoke of putting a 10-cent stamp on them. A special-delivery stamp?

Mr. MULHALL. Yes; a special-delivery stamp. They told me at the office when I put anything in the mails at that time of value, if I would put a special-delivery stamp on them they would be more apt to reach their destination.

The CHAIRMAN. You say, "Another thing you have forgotten is those 1,000 franks that were promised." What about that, Mr. Mulhall?

Mr. MULHALL. That was a thousand franks I sent Mr. McMichael to see Mr. Fairchild about, and they afterwards were produced and sent to the New York office.

The CHAIRMAN. He finally got them, did he?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. For what purpose were they to be used?

Mr. MULHALL. For franking out matter from the New York office that we would send over there.

The CHAIRMAN. Frankable stuff?

Mr. MULHALL. As I understood it; yes, sir.

The CHAIRMAN. Do you know whether or not these franks, after they were sent into the office there at any time, were ever abused; that is, was anything mailed under them that was not frankable under the law?

Mr. MULHALL. I could not say that, sir. As a general rule we were shipping stuff over there in large sacks, and they would be sent out to the lists they had furnished from that office.

The CHAIRMAN. Speeches, Records, bills——

Mr. MULHALL. Speeches, Records, bills, and documents——

The CHAIRMAN. Public documents?

Mr. MULHALL. The general run of public documents.

Mr. CLINE. How did you get this stuff?

Mr. MULHALL. I generally got all that stuff, as he said, from Mr. Fairchild—he furnished some of it. Mr. McDermott furnished pretty nearly all of it.

The CHAIRMAN. Judge Cline does not mean the franks.

Mr. MULHALL. I mean the books themselves.

Mr. CLINE. Sets of books and articles of that character?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Where there is only a very limited number apportioned to a Member?

Mr. MULHALL. I think Mr. McMichael could explain that better than I could. I know he furnished any documents or articles, and as a rule he told me it always came through McDermott. It was McDermott's franks that were used on documents of that kind.

Mr. CLINE. Do you know where he got the bulbs that were sent to Mr. Emery?

Mr. MULHALL. He told me he got them from the Agricultural Department on an order of some Congressman.

Mr. CLINE. They are only distributed direct to Congressmen, are they not?

Mr. MULHALL. I could not say that, sir.

Mr. NOLAN. Did you ever place any orders through Congressmen for printing in the Public Printing Office?

Mr. MULHALL. No, sir; I never did.

Mr. NOLAN. You do not know anything about that?

Mr. MULHALL. I only know hearsay, and from Mr. Emery. I know Mr. Emery got Mr. Littlefield's speeches, and different speeches he used to frank out. I had some conversation with Mr. Emery upon those matters—but only just what I would get from the Washington office here.

Mr. WILLIS. I want to ask you one more question about that first paragraph, to which I call your attention. Perhaps the last line may refresh your memory on that so you could explain what it means. It reads "I did not know I was coming until I received a phone message from him." Which one of your congressional friends in Maryland was it that phoned you about some matter? Do you recall that?

Mr. MULHALL. Oh, I used to get a great many phone messages every day or evening——

Mr. WILLIS. You do not recall?

Mr. MULHALL. No, sir. My phone bills ran up very large, and then the folks at home, as a rule, kept track of those messages, so I could not say just what that phone message was.

The CHAIRMAN. In letter No. 4142 Mr. McMichael, writing to Col. Mulhall, under date of March 14, 1911, makes reference to this bulb and plant business again, and also says, "Sent you franks last evening. I have been hustling every day with Members here, but no one knows just who will be doorkeeper."

That statement, "Sent you franks last evening," refers to those 1,000 franks, or whatever it was?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. You say they were Mr. Fairchild's franks?

Mr. MULHALL. He got them from Mr. Fairchild; yes, sir. I did not see the franks, but Mr. McMichael, I believe, shipped them to the New York office at my request.

The CHAIRMAN. He says, "I have been hustling every day with Members, but no one knows just who will be doorkeeper." I presume that interest in the doorkeeper matter was jnst as you testified awhile ago. The only interest you had in the matter was that Mr. McMichael might retain his position under the doorkeeper?

Mr. MULHALL. That is all, sir.

The CHAIRMAN. Did the National Association of Manufacturers take any interest in the election of the doorkeeper or not?

Mr. MULHALL. Not that I am aware of, sir; outside of Mr. McMichael's matter.

The CHAIRMAN. Did any one of the National Association of Manufacturers take any interest in Mr. McMichael retaining his job there?

Mr. MULHALL. Mr. Emery was very anxious that he should retain his job.

The CHAIRMAN. He took what interest?

Mr. MULHALL. The interest of getting information through Mr. McMichael.

The CHAIRMAN. Do you know what Mr. Emery did in an effort to secure his retention of his position?

Mr. MULHALL. I believe I wrote to Mr. Emery once, if my memory serves me, that my visit to Mr. Dwight and others in relation to Mr. McMichael to see about influence on the Republican side, and I told him I went to Mr. McDermott.

The CHAIRMAN. Do you know whether Mr. Emery personally did anything about it?

Mr. MULHALL. No, sir; I don't know that he did anything personally about it.

The CHAIRMAN. Did he tell you anything he did?

Mr. MULHALL. I think he told me he would do what he could do, but it is so long ago I don't know.

Mr. STAFFORD. When you say you secured these franks from Mr. Fairchild, do you mean you personally secured them from him or from his secretary?

Mr. MULHALL. I asked Mr. Fairchild if he would furnish me some franks, and he agreed to do so. I could get anything like that from Mr. Fairchild at any time.

Mr. STAFFORD. Did he himself furnish you with these franks or did you call at his office and obtain them from his secretary?

Mr. MULHALL. They were obtained from his secretary. I instructed Mr. McMichael to see Mr. Fairchild and he told me he had seen Mr. Fairchild's secretary, and the secretary had them waiting for him, if my memory serves me right.

The CHAIRMAN. No. 4143 seems to be a fragment of a letter apparently written by Mr. McMichael under date of March 15, 1911, in which he refers to the order for bulbs for Mr. Emery, and states they will be sent within a few days, and that he had sent a request to the Agricultural Department for the palm and rubber plant for him. He also states he has been looking for the bag of books, and that the postmaster had been looking for the bag of books for Mr. Kirby. Do you suppose that is the same bag of books referred to a few moments ago?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. The final paragraph of the fragment states:

The best information I can get on Doorkeeper is that Joe Sinnott, of Virginia, will get the place. He is one of the Democratic employees and Mr. Tulbert——

I presume that ought to be Talbott?

Mr. MULHALL. Yes, sir.

The CHAIRMAN (reading):

knows him, yet do not count on this as they have * * *.

Do you happen to remember what the remainder of the contents of that letter were?

Mr. MULHALL. No, sir; I do not believe I could.

The CHAIRMAN. And the reference to the Doorkeeper matter has been explained already?

Mr. MULHALL. As far as I can explain it.

The CHAIRMAN. Do you understand that this request for this palm and rubber plant was Mr. McMichael's personal request, or Mr. McDermott's request; which one?

Mr. MULHALL. In talking to Mr. McDermott, he had been taking credit for all that Mr. McMichael did as a rule. I generally got the goods from McMichael, but Mr. McDermott told me they came from him. And I know he used Mr. McDermott's orders, and signed his name to the letters he sent to the departments for those things, to get the books or anything he wanted.

Mr. WILLIS This letter seems to indicate that this was Mr. McMichael's request He says, "I sent a request."

Mr. MULHALL I do not quite catch you

Mr. WILLIS I am referring to the language. He says, "I also sent a request," indicating that it was Mr. McMichael's personal request.

Mr. MULHALL. He said when he wrote letters—I knew when he wrote letters to the different departments, and, as I said, he signed them "James T. McDermott" at all times

Mr. CLINE You do not know whether Mr. Emery got his rubber plant or not?

Mr. MULHALL. Only that Mr. Emery stated he did.

Mr. STAFFORD. This is the fractional part of a letter, and there are numerous instances in this confidential print of your letters that you turned over to the Senate or to the New York World where only parts of letters appear. I should like to ask, when you received a letter what would you do with it so far as filing it is concerned? What is the nature of your filing system?

Mr. MULHALL I generally turned over the letters complete. I don't believe there was a part of a letter given to the New York World that was sent over here on the summons of the Senate committee but what was perfect when it came. It was explained to me that they mixed the letters all up when they got it, and I know I went to Senator Reed's office on several occasions myself and found a whole lot of letters all mixed up, and I straightened up quite a number of them in that way. I was engaged frequently on work of that kind.

Mr STAFFORD So when you turned over the letters to the New York World they were complete?

Mr. MULHALL. As far as I understood; yes, sir. They put a lot in what they called the discard, and I guess they were pretty well mixed up. But Mr. Seibold told me he got those letters before they left New York and got them in good shape before they were sent here, and they mixed here. There are now in Senator Reed's office at the present time 8 or 10 letters, the last time I saw them—parts of letters that could not be got together.

Mr. STAFFORD. The reason I asked the question was that in numerous instances the narrative ceases just as it apparently becomes very interesting.

Mr. MULHALL. It was never kept out on that account, Mr. Stafford, as far as I was concerned. I was too anxious to get it all in.

Mr. STAFFORD. You have testified you were prepared, in case you could make arrangements, to cull out the McMichael and McDermott correspondence, so I want to make certain whether everything was turned over or not.

Mr. MULHALL. The McMichael correspondence and all that correspondence was not even culled over by me. The files were taken over to New York without my getting a chance to go over them.

Mr. STAFFORD. But you did testify here that if you could make satisfactory arrangements with some one in keeping up friendly relations with Mr. McDermott and Mr. McMichael you did not intend to have their names connected with this exposé.

Mr. MULHALL. At the time that Mr. McDermott—we tried to get this matter started—to get a congressional investigation at that time—I went over this frequently with McDermott. I submitted a plan to McDermott, and asked him to see the Speaker of the House and other leading Democrats and see if we could not start a congressional investigation through those letters. I remember very well of having a meeting with Mr. McDermott down in Fritz Reuter's, in a parlor of the hotel, during the latter part of 1911, where we framed up a set of resolutions which he was to offer to these gentlemen, in order to get this investigation, and Mr. McDermott reported back to me that he did see Mr. Clark and Mr. Wilson and Mr. Mann, and that they refused to go into anything of the kind.

Mr. CLINE. Let us have an unequivocal statement on this proposition. Did you agree, in case the matter was disposed of by Mann and Underwood and Clark, through Mr. McDermott, that you would take up his correspondence and save him in the proposition?

Mr. MULHALL. I believe I did. That would be understood.

The CHAIRMAN. Had Mr. McDermott at that time seen all the correspondence between you and McMichael?

Mr. MULHALL. Yes, sir; another thing I would like to say in answer to Judge Cline's question, in regard to that matter. That was before I went to Chicago to help McDermott in his last campaign. I went out there at that time. I did not feel unfriendly to McDermott.

Mr. CLINE. You say you did not feel on friendly terms?

Mr. MULHALL. I say I was not unfriendly with him. I did not have any bitter feeling against him.

Mr. CLINE. There had not been any differences between you at that time?

Mr. MULHALL. No, sir; there had not.

Mr. CLINE. And you were on friendly terms?

Mr. MULHALL. I had a good deal of confidence in him. I thought he would accomplish what he said he would and would have that investigation.

Mr. CLINE. And, being at that time on friendly terms with him, you were willing to abstract the McMichael correspondence, and I suppose they would have been abstracted if that proposition had been carried out?

Mr. MULHALL. Turned over to him to look over the letters of McMichael.

Mr. CLINE. Was there any agreement between you and McDermott on that proposition?

Mr. MULHALL. I could not say there was. I should say there was an understanding of that kind.

Mr. CLINE. But there was no specific agreement?

Mr. MULHALL. Not that I am aware of; not that I can remember of.

The CHAIRMAN. Did he know what was in your files or had passed between you and McMichael at that time?

Mr. MULHALL. I do not believe he did.

The CHAIRMAN. On the occasion when he and McMichael visited Baltimore to go over these papers and look at them, did they see that part of your correspondence relative to McMichael?

Mr. MULHALL. No, sir; most of the correspondence that McDermott wanted to look over, particularly, was the Taft correspondence—from Sherman and Taft and other leaders.

The CHAIRMAN. How much time did he spend going over those papers at Baltimore that day?

Mr. MULHALL. I should say about two or three hours.

The CHAIRMAN. Was he all that time engaged in looking at these papers, or substantially all that time, or doing something else?

Mr. MULHALL. Nearly all that time; talking over matters, too.

The CHAIRMAN. Did he look over very many of your letters?

Mr. MULHALL. I should say about a dozen letters or more.

The CHAIRMAN. Did you call his attention to any particular letters?

Mr. MULHALL. Yes, sir; I called his attention to some strike-breaking letters among the files; letters where the National Association of Manufacturers were mixed up in strikes.

The CHAIRMAN. And did you call attention to any McMichael letters, or say anything about them?

Mr. MULHALL. No, sir; I did not. I know that McMichael gave me a tip while he was in the room, saying he was trying to steal some of the Taft letters.

Mr. STAFFORD. Who was?

Mr. MULHALL. That McDermott was.

The CHAIRMAN. How did he give you that tip?

Mr. MULHALL. He told me McDermott wanted to get out two or three of those letters.

The CHAIRMAN. When did he tell you that?

Mr. MULHALL. While he was at my home on that occasion, and he has told me so later on, since then.

The CHAIRMAN. Was Mr. McDermott in that room when he told you that?

Mr. MULHALL. That was not directly in the room. That room is a double room, it is about 40 feet in front and about 18 feet deep, two rooms in one. While McMichael went to the toilet, which is on that floor, he beckoned to me to come to the door, and he said, "McDermott wants to take some of the letters; you had better look out for him."

Mr. STAFFORD. When was that?

Mr. MULHALL. That was in December, 1911, if I am not mistaken.

The CHAIRMAN. Did McMichael indicate to you what particular letters he wanted?

Mr. MULHALL. There was one or two letters that McDermott talked to me about that he thought would be great stuff to put out as campaign literature.

The CHAIRMAN. Did he ask you for them?

Mr. MULHALL. No, sir.

Mr. STAFFORD. Great stuff, or hot stuff?

Mr. MULHALL. Great stuff. In fact, Mr. Stafford, he has some of my documents that he has actually stole that I would like this committee to get.

The CHAIRMAN. What documents are those?

Mr. MULHALL. A lot of affidavits that I gathered when I was connected with the secret service, concerning the activities of Burns's detectives, about 35 or 40 affidavits.

The CHAIRMAN. You say he has actually stolen those; under what circumstances?

Mr. MULHALL. I should say this: That I turned those documents over at the request of Mr. Lorimer to the Lorimer committee when that investigation was going on.

The CHAIRMAN. How did Lorimer know you happened to have them?

Mr. MULHALL. Through McMichael. I made McMichael acquainted with the fact. Mr. Ward, Mr. Lorimer's secretary, turned the documents back. They were only sent to the Senate committee a short time before they adjourned, and they did not have a chance to use them. McMichael was instructed by me to get the letters from Ward, those documents, and send them to my home as soon as he got them. I saw McMichael later and asked him for the documents, and he said they were in McDermott's desk and that he would send them. They kept on saying they would send them for five or six months or longer. They said that whenever I inquired for them. About three months before this exposé came out I came here and saw McMichael, and I asked him for those documents, and I continued to ask for them until about three weeks before this exposé came out; and I finally learned from McDermott that those documents were out in his home, and he took them from Washington and he refused to give them to me. McMichael—I suppose I can not testify what McMichael said?

Mr. STAFFORD. You are testifying to practically what everybody else said.

Mr. MULHALL. I do not know whether it is admissible. He told me he took the documents for the purpose of selling them, and he had called his attention to them at different times, as to why he did not use them in the labor campaign. They were there, and he had never used the documents.

The CHAIRMAN. McMichael stated to you that McDermott took them out there for the purpose of selling them?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That McDermott had told him that he took them out there for the purpose of selling them?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. So he came into possession——

Mr. MULHALL. McDermott talked to me in a saloon on Pennsylvania Avenue about three days before this exposé came out, and he said he would purchase the documents of me.

The CHAIRMAN. What saloon was that?

Mr. MULHALL. It was in the block above the New Willard Hotel, Engel's, I believe it was.

Mr. CLINE. One question in reference to this proposed agreement to submit these letters to the Speaker of the House and the minority

leader. Was that after this correspondence with McMichael had been completed?

Mr. MULHALL. No, sir. McMichael kept up his correspondence with me until after the time when I came back from Chicago in 1912, when I was in McDermott's district.

Mr. CLINE. Do you know how much of it is in the correspondence in the confidential print and had passed at the time of the agreement.

Mr. MULHALL. There was a lot of correspondence after this proposed agreement.

Mr. CLINE. That is included in here?

Mr. MULHALL. I think it is; yes, sir.

Mr. WILLIS. Was McMichael to be taken care of in this arrangement for the abstraction of these letters in case this correspondence was turned over for a House investigation?

Mr. MULHALL. I suggested the deal to McMichael and McDermott, and they drew up a kind of set of resolutions with my own aid and their aid, down in the parlor of Fritz Reuter's Hotel.

Mr. WILLIS. And McMichael understood that the correspondence, so far as it related to him, was to be taken out?

Mr. MULHALL. There was no contract or agreement, as near as I can remember, on that. I think there was a distinct understanding in regard to it, because the relations between McMichael and McDermott and myself were extremely friendly, as I thought, at that time.

The CHAIRMAN. Col. Mulhall, I want to ask you how was it supposed it would be possible to have an investigation and leave McDermott and McMichael out of it, if your statements are correct as to their activities running all the way through this thing from 1909 on?

Mr. MULHALL. Well, I should say it would be a mighty easy matter to take out that correspondence out of my files.

The CHAIRMAN. Well, it would have been a very easy matter to have taken the correspondence out of the files——

Mr. MULHALL (interposing). Yes, sir.

The CHAIRMAN. But if after the files had been placed in evidence and you had been put upon the stand, as necessarily you would have been in such an investigation, and had been asked if you had your complete files, you would have to answer that you did not have your complete files.

Mr. MULHALL. I was very active from 1903 up to 1907, 1908, and 1909, before I met McDermott.

The CHAIRMAN. I understand that.

Mr. MULHALL. And my files could be easily fixed to exclude McMichael and McDermott, at least I thought so. I did not go into that matter with them fully.

The CHAIRMAN. And it was your purpose to do that, if they had succeeded in getting a congressional investigation?

Mr. MULHALL. Yes, sir; it was, certainly. There is a letter in my correspondence here from Mr. Wilson, who is now Secretary of Labor, and that letter would show you what my purposes were about that time.

The CHAIRMAN. Did Mr. Wilson ever see your files?

Mr. MULHALL. No, sir.

The CHAIRMAN. You had a conference with him at one time?

Mr. MULHALL. Yes, sir; I told Mr. Wilson about my troubles. I suggested that Mr. Wilson might arrange for the meeting, and we talked about my relations with McDermott at that time.

The CHAIRMAN. How long a conference did you have with Mr. Wilson about that?

Mr. MULHALL. I met him as he was coming down from the gallery, out of the Speaker's gallery. I think he had some friends there, and I talked to him about 5 or 10 minutes, and about a day or so after that he wrote a long letter concerning the interview.

The CHAIRMAN. Did you give him in that 5 or 10 minutes' conversation a general idea of what you thought could be done?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You told him who you were?

Mr. MULHALL. Yes, sir, He knew who I was.

The CHAIRMAN. He knew that already—he knew who you were and whom you represented?

Mr. MULHALL. Yes, sir; he knew of my activities before his committee; he knew of my relations with the National Association of Manufacturers, and I showed Mr. Wilson at one time a list of what they called the National Council for Industrial Defense. That was at his request.

Mr. CLINE. Did you consider, at the time you had this conversation with Mr. McDermott and Mr. McMichael, that if those letters had been abstracted and an investigation had followed and you had taken the stand to testify that of necessity the examination would have disclosed that other parties whose correspondence was not included would have brought out this fact, and that you would have been compelled to admit the fact of the abstraction, and therefore that would have made it necessary to produce the correspondence?

Mr. MULHALL. I am under the impression, Judge Cline, that I could answer that in two ways. You will find that there are thousands of letters that the National Association of Manufacturers has culled from their files, and I should think it would be as easy for me to do so as it was for them.

Mr. CLINE. What I meant to say was this: When the fact came to be developed that there were books and papers and documents and all that kind of thing sent to the association and that you were located here, and there must have, of necessity, been some connecting link for the purpose of getting this information, would it not have been necessary for you to have disclosed that you did have McMichael assisting you in this work?

Mr. MULHALL. I was sure of that. I thought the services that McMichael and McDermott might be able to render to the committee would compensate them for any investigation that would be made.

Mr. STAFFORD. After McMichael put you on guard as to the supposed purpose of Mr. McDermott to abstract some of these letters from your files, did you ever have any suspicion that Mr. McDermott would carry out that purpose?

Mr. MULHALL. No, sir; I did not altogether know whether McMichael was serious or not at the time, but later on he told me he was serious.

Mr. STAFFORD. At the time, apparently, McMichael and McDermott were on friendly terms?

Mr. MULHALL. Yes, sir, in a way, I think; but I do not believe that McDermott at different times had the best of feeling for McMichael, according to the stories I got from McMichael. There was always a difference between those people concerning the borrowing of money, and McMichael was always sore about not getting his dough, as he said.

The CHAIRMAN. Col. Mulhall, the day they went over there to Baltimore, did they go for the purpose of examining these papers?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was that the sole purpose of their visit?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And that was the sole topic discussed, of any business character?

Mr. MULHALL. Yes, sir. McDermott said he would like to see the letters before he would think about offering anything to the House.

The CHAIRMAN. You say he probably read a dozen or two of them?

Mr. MULHALL. I should judge about a dozen letters.

The CHAIRMAN. Out of about 50——

Mr. MULHALL. I took down one file, or one or two files of letters, because I was very careful of the files myself. In fact, I did not altogether trust McMichael any more than McDermott, and while the examination was made I was very careful to know what was in the files and to know what I took out of the files to hand to those gentlemen.

The CHAIRMAN. How came you to keep copies of this correspondence through all those years?

Mr. MULHALL. Because I never trusted the men I worked with.

Mr. STAFFORD. When did you first begin to distrust them?

Mr. MULHALL. From the time that Cushing began to make promises about sending me to Congress and to the Senate, and never did make good.

Mr. STAFFORD. You judge they were all of the same type as Cushing?

Mr. MULHALL. No, sir. I think there were some very decent men in the organization, and I think Mr. Van Cleave was one of the finest men I have ever met, and I think Mr. Schwedtman was a splendid gentleman, and a great number of the directors were as fine gentlemen as any in the land, and I do not believe for a moment that those men know what the inside workings of the organization are or have been.

I believe that about 10 men, the inside ring of this organization, have run the National Association of Manufacturers from the time I joined them.

Mr. STAFFORD. Who are they?

Mr. MULHALL. I would mention that Cushing and Mr. Parry——

Mr. STAFFORD. Cushing was never a director.

Mr. MULHALL. He ran the organization almost entirely for two years.

Mr. STAFFORD. He never disclosed to the directors of the organization what was being done by him?

Mr. MULHALL. He left the organization because when they requested him to do that and I asked him his reasons for leaving the organization, as I stated before the Senate committee, he said that no self-respecting politician or lobbyist could comply with the requests made by Mr. Van Cleave, when Van Cleave said he would have to work openly, and to report to him what transpired here in Washington and in the field, concerning the work he was doing, and he said he could not do it, because no self-respecting politician or lobbyist could do it.

Mr. STAFFORD. Who are the gentlemen you referred to?

Mr. MULHALL. There was Cushing and Mr. Parry, Mr. Boudinot, Mr. Bird, Mr. Kirby, Mr. Schwedtman, Mr. F. F. Porter, and some few of the directors.

Mr. STAFFORD. Who are those men?

Mr. MULHALL. I believe Mr. Stillman at that time—but I do not care to mention him, because he is dead. He was the treasurer.

Mr. STAFFORD. Of the living, whom of those would you distrust?

Mr. MULHALL. I think the crowd you have subpœnaed here—you can take them, the working ring of the organization, leaving out Cushing—take them, and you would have the whole bunch.

Mr. STAFFORD. Whom do you include as being within the category of the men whom you distrust?

Mr. MULHALL. The Senate committee has them.

Mr. STAFFORD. I am asking in order to obtain from you the names of the gentlemen you had reason to distrust.

Mr. MULHALL. I have named them.

Mr. STAFFORD. You have named Schwedtman. You said a while ago you gave him a certificate of character.

Mr. MULHALL. I think Schwedtman has fallen into that ring since they sent him to Europe.

Mr. STAFFORD. Before you left the organization?

Mr. MULHALL. I know that Schwedtman had several rows with Bird since he has been in the organization about money matters—about money sent to western points—and I know I have written Schwedtman letters, which he used to answer, and I have written to him about the inside workings of the organization, about their inside workings, and you will find in my correspondence a long scolding letter from Schwedtman along that line in answer to a letter I sent him on one particular occasion.

The CHAIRMAN. Col. Mulhall, was there any difference in the character of work done by this organization and by you during the time that Mr. Van Cleave was president of it and Mr. Swedtman was secretary to the president, and the work that has been done since their retirement?

Mr. MULHALL. Yes, sir. Mr. Van Cleave was a splendid open and above board fighter. Under the Cushing administration they were very secretive. As I stated on the Senate side, they absolutely refused to let me sign a check sent to me, or indorse it, and there were no signatures to the correspondence in those times, and from the time that Van Cleave ran the organization, I could see a change, under the Kirby-Bird administration.

The CHAIRMAN. That is so far as it applied to you and the treatment of you?

Mr. MULHALL. You should take their own letters for that, their letters where they advised complete secrecy.

The CHAIRMAN. I am familiar with those letters, to which you refer, but what I want to know is whether in the work that was actually done, the field work, the work here before Congress and with Congress, there was any difference in the methods pursued during the time that Mr. Van Cleave was president and since that time?

Mr. MULHALL. Only that one was secretive and the other was open and above board.

The CHAIRMAN. One was secretive?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. They did not permit any knowledge of expenditures; they did not——

Mr. MULHALL (interposing). In fact, they did not keep any books for the National Council for Industrial Defense; they worked that on the Tammany-Murphy order. They did not ask for any accounting; when they gave me money from that organization they did not want any accounting.

The CHAIRMAN. Did they use money for any other purpose for which money was not used under Mr. Van Cleave's administration?

Mr. MULHALL. Yes, sir. They had a different system under Van Cleave's administration. Van Cleave generally went into the field and collected in the districts where they were working. Under the Kirby and Bird system they employed a collector, or a bureau of collection, and nobody working in that field or outside that field was allowed to collect a cent. They did all the collecting and they disbursed the money to suit themselves.

The CHAIRMAN. That was the collecting end of it. What was the system of expenditure and the purposes for which the money was expended, in so far as you know?

Mr. MULHALL. Their system of expenditures—they would send into the districts what they felt like sending for political purposes, and Mr. Porter always went into the districts and looked the districts over and collected in each partciular district.

The CHAIRMAN. You are speaking of congressional districts.

Mr. MULHALL. Yes, sir; of congressional districts; any enterprise they started in, that they started a fight for in any district, for the Senate or the House.

The CHAIRMAN. Well, let us get back to the matters affecting Mr. McDermott. No. 4144 is a communication from Mr. Mulhall to Mr. McMichael concerning books which were supposed to have been sent to Mr. Kirby in Ohio. There is nothing of any importance in that that I can see.

No. 4154 I want to call your especial attention to. This is a letter from Mr. McMichael to you, under date of March 25, 1911, and in it is this:

> Received your letter on my return. There has been nothing new here, only the labor meeting in Georgia passed a resolution to increase the fund for McNamara Brothers' case. Have been at Capitol every day. No meetings only steel.

I want to call your attention to that letter. Then there are quite a number of letters that follow it, and I want to see if we can not cover all of them in one line of questioning. I refer now to the letters written by McMichael to you, in which he reported what committees were meeting and what was being done at the committee meetings, and I want to ask you whether he reported to you what the committees were doing here?

Mr. MULHALL. On about what date, Mr. Chairman?

The CHAIRMAN. Well, sir, there are various dates here, and I am asking you just the general question why he would write you in this letter: "No meetings—only steel." Are we to understand that there were no hearings by any committees except the Stanley Steel Committee——.

Mr. MULHALL. That is the committee——

The CHAIRMAN. The committee investigating the Steel Trust?

Mr. MULHALL. Yes; the committee investigating the Steel Trust, or else the Committee on the Senate side on Education and Labor. There was an investigation before that committee about that time.

The CHAIRMAN. Were they investigating the Steel Trust?

Mr. MULHALL. I think they were inquiring about the Steel Trust, or the eight hour bill, or something like that.

The CHAIRMAN. Now, you will find that that is under date of March 25, 1911, and when we get on over here, along in 1912, the spring of 1912, we find numerous letters that he was writing to you—in fact he wrote to you almost every day telling you what committees were in session on that day. In fact, here is No. 4336, in which Mr. McMichael says:

I am this day sending you the record, also the names of the committees that are having sessions.
Stanley, on steel.
District of Columbia, on real estate.
Expenditures in the State Department.
Foreign Affairs, diplomatic appropriation bill.
Military Affairs, on increase pay for aviators.
Will send report each day hereafter.

I am trying to cover this, if I can, in a general line of questions—unless there was a different purpose at the different times that he made these reports to you as to what committees were in session.

Mr. MULHALL I told Mr McMichael at that time to keep me posted as to what Mr. Emery was doing, and what committees Mr. Emery would appear before I had an idea of going before those committees that he would appear before, and opposing Mr. Emery open and aboveboard.

The CHAIRMAN. Then we had better take that up separately. What does this mean, why was he reporting to you under date of March 25, 1911—Senate No. 4154—that there were no meetings, only Steel?

Mr. MULHALL He was keeping me posted as to what committees were meeting He did all along

The CHAIRMAN. Why did he advise you about the labor meeting in Georgia "passed a resolution to increase the fund for McNamara brothers case"?

Mr MULHALL He thought that would be of interest to me.

The CHAIRMAN He got that information through a newspaper, do you not suppose he did?

Mr MULHALL I could not say just where he got the information, but Mr McMichael was greatly interested in those documents that were still in Mr McDermott's possession; and I had an idea of using those documents at different times; and he was keeping me posted as to what was going on in the different labor organizations in that way, as to what they were doing in the McNamara affairs

The CHAIRMAN. If I remember correctly, at the time this letter was written, March 25, 1911, I do not believe that the Stanley steel committee had been organized. I think that was not organized until later.

Mr. MULHALL. That is the reason I thought it was the Committee on Education and Labor on the Senate side, because Mr. Emery did appear before that committee, and there were hearings before that committee about that time.

The CHAIRMAN. Well, as a matter of fact, Congress was not in session at that time, but a committee, of course, might have been sitting—a Senate committee. But it is not probable that any House

committee was sitting at that time, because there would have been no House committee at that time.

Mr. STAFFORD. Congress convened in that year on April 4.

Mr. MULHALL. I think there was a letter saying that Mr. Emery would appear before the committee, and Mr. Borah called Mr. Emery down severely about the workings of the Steel Trust, and I had a great idea of taking a hand in that fight for the other side of the house.

Mr. CLINE. But this is dated 1911.

Mr. MULHALL. 1911?

The CHAIRMAN. This particular letter is dated 1911.

Mr. CLINE. Congress met April 4 in that year.

Mr. MULHALL. There might have been meetings on the Senate side, if I am not mistaken. As I said, I think it was the Senate Committee on Education and Labor.

The CHAIRMAN. Now, it says: "I inclose information wanted, with list of Members in the city. Called up between 12 and 1; you were out; I will meet you in"—and that ends that part of the letter. "I inclose list of Members in the city." Why was he sending you a list of Members in the city?

Mr. MULHALL. Why, as a rule, we generally kept track of the Members as they came in.

The CHAIRMAN. For what purpose?

Mr. MULHALL. To get in touch with them.

The CHAIRMAN. When you say that, do you mean the organization, the association?

Mr. MULHALL. Yes. When I was working for the organization, as a rule, I would get over here two or three days ahead and keep track of the Members as they came in.

The CHAIRMAN. The letter says: "Called up between 12 and 1." Is there anything significant attached to that?

Mr. MULHALL. I could not just recall it now, sir.

The CHAIRMAN. Can you explain the absence of the remainder of that letter?

Mr. MULHALL. No, sir; except in the way I have explained here, a short time ago, about the letters that went astray on the Senate side.

The CHAIRMAN. No. 4195 purports to be a carbon copy of letter written by you under date of April 21, 1911, to Charles M. Jarvis, American Hardware Corporation, New Britain, Conn., introducing Mr. J. M. Murphy as a very warm personal friend of Congressman James T. McDermott, of the fourth Illinois district, and also as a "very warm friend of ours in Congress"—"ours" supposedly having reference to what? "A very warm friend of ours in Congress"—what do you mean by that?

Mr. MULHALL. I should judge it had reference to Mr. McDermott. I wrote a very strong letter of introduction to Mr. Bird, and he carried it over to New York later.

The CHAIRMAN. But this letter is addressed to Mr. Jarvis.

Mr. MULHALL. Yes; the Jarvis letter preceded the other letter. Mr. Murphy went down to the aviation field and Mr. McDermott and Mr. McMichael followed him down there.

The CHAIRMAN. Why were you giving a letter of introduction for Mr. Murphy to Mr. Jarvis?

Mr. MULHALL. At the request of Mr. McDermott.

The CHAIRMAN. Is that why you referred to Mr. McDermott in that letter?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was Mr. Jarvis acquainted with Mr. McDermott?

Mr. MULHALL. No, sir; he was not. Mr. Jarvis at that time was a big manufacturer in Connecticut.

The CHAIRMAN. Was he a member of the National Association of Manufacturers?

Mr. MULHALL. Yes, sir; he was one of its directors—active working directors.

The CHAIRMAN. And he was not acquainted with Mr. McDermott?

Mr. MULHALL. No, sir.

The CHAIRMAN. And you say you gave this letter to Mr. Murphy, or introducing Mr. Murphy, at the request of Representative McDermott?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. What significance is there in your saying to Mr. Jarvis, or using this expression: "Also a very warm friend of ours in Congress." To what does that relate?

Mr. MULHALL. I judge that I was referring to Mr. McDermott.

The CHAIRMAN. You were not referring to Mr. Murphy?

Mr. MULHALL. No; Mr. Murphy was not in Congress. He was the engineer that was getting up the flying machine.

The CHAIRMAN. And he was not a worker here at any time?

Mr. MULHALL. No, sir; only that I was introduced to him by Mr. McDermott here in the city before he went to Connecticut.

The CHAIRMAN. Did you mean by that expression, "Also a very warm friend of ours in Congress," to convey to Mr. Jarvis the information that Mr. McDermott was a very warm friend of the National Association of Manufacturers in Congress?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That was your intention and purpose?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And that is the explanation of that expression?

Mr. MULHALL. Yes, sir. You will find a very long report in relation to that and the work that Mr. McDermott did in Congress for that organization.

The CHAIRMAN. Now, Senate No. 4199–4204 seems to be a report to Mr. J. Philip Bird, general manager of the N. A. M., under date of April 21, 1911. You make in it a reference to the Lloyd bill. What was the Lloyd bill?

Mr. MULHALL. That was the bill that was introduced by Representative Lloyd to organize the railway mail clerks.

The CHAIRMAN. Well, was it to organize them?

Mr. MULHALL. To give them permission to join the American Federation of Labor, as I understood it. I think I have got something here in my pocket that will explain it—of a very late date. I think I showed it to some of the members of the committee here the other day. This document is from Second Assistant Postmaster General Stewart.

The CHAIRMAN. Let us see those, will you?

(Witness hands papers to the chairman.)

The CHAIRMAN (continuing). Well, as soon as we have time to examine these we will go back to that if necessary. Was the National Association of Manufacturers opposing the Lloyd bill?

Mr. MULHALL. Yes, with all their strength.

The CHAIRMAN. And what instructions were you given in regard to the Lloyd bill by the N. A. M. or any officer of the N. A. M.?

Mr. MULHALL. Well, I was instructed to beat it if possible; to do all I could to help to beat it.

The CHAIRMAN. You were to use the same methods in regard to that legislation that you were using in regard to other legislation?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. To obtain information about it from any source you could, and do all that you did in regard to other legislation in which that association was interested?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. From whom did you receive those instructions?

Mr. MULHALL. From Mr. Emery, as a rule.

The CHAIRMAN. Do you remember from whom you received the first instructions in regard to the Lloyd bill?

Mr. MULHALL. I am not sure whether Mr. Emery was in town or not at the time the Lloyd bill was introduced; and I feel almost positive that it was Mr. McDermott that called my attention to that bill. I think you will find that in my reports.

The CHAIRMAN. Well, do you think he called attention to it first?

Mr. MULHALL. Yes, sir; he was the first party that called my attention to it, and that the labor unions would get a hearing on it; and he said Mr. Gompers, if I remember right—I think my report refers to that; you will find letters along that line—and that Mr. Gompers was going to have a secret hearing before the committee having the Lloyd bill, and our people had better get busy on it.

The CHAIRMAN. That Mr. Gompers wa going to have a secret hearing on it?

Mr. MULHALL. Yes, sir; that the Committee on Civil Service Reform was going to give Mr. Gompers and Mr. Morrison another hearing on that bill likely, and I believe they did have it just as he instructed. And I went to Mr. Lloyd myself on the matter, and at the request of Mr. Emery later, and asked for hearings, and I saw several men of influence here in Washington in relation to that bill, and I believe the bill was stalled or held here until the Democratic Congress came in.

The CHAIRMAN. You say that Mr. McDermott first told you about the bill. Did you immediately go to work fighting that bill without receiving any instructions whatever upon learning of it?

Mr. MULHALL. I am not sure, as I said, whether Mr. Emery was in town or not at that time without referring to my reports; but my reports are very full on that matter, and I would like to have you read them to me if you will.

The CHAIRMAN. And here is a statement in this letter to which I will call your attention: "In the early part of the morning, while I was in the House Office Building, I was informed by Congressman James T. McDermott, of the fourth Illinois district, about this bill and the hearing that was going to be granted thereon. Mr. McDermott gave me to understand that it was a prearranged affair, or, in other words, Congressman James T. Lloyd, chairman of the Democratic national committee, was paying a debt to Samuel Gompers, president of the American Federation of Labor, for the work Gompers

claims he did in the campaign of 1910." Do you mean to say that Mr. McDermott told you that?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did he tell you that Mr. Lloyd was paying a debt to Mr. Gompers?

Mr. MULHALL. To the best of my knowledge he did.

The CHAIRMAN. Was that your inference?

Mr. MULHALL. When I wrote that report, the report was strictly correct.

The CHAIRMAN. I understand that the report is correct, according to your statement; but what I want to get at is whether the statement of Congressman Lloyd, chairman, etc., paying a debt to Mr. Gompers was your inference from what Mr. McDermott said, or what he actually said?

Mr. MULHALL. I believe it was from what he said. I know that he claimed Mr. Gompers and the other leaders of the American Federation of Labor were very busy in that campaign, and that was the impression I got from Mr. McDermott at that time, that this thing was to be pushed through as a debt that was promised by the National Democratic Congressional Committee, and that Mr. Lloyd was trying to railroad that bill through, and that we had better get busy on it.

The CHAIRMAN. Did Mr. McDermott tell you where he got his information?

Mr. MULHALL. No, sir; I do not believe he did. I never questioned his information or where he got it. I generally acted on it and found that it was correct.

The CHAIRMAN. Did he tell you that he had received any information from Mr. Lloyd about it, or do you know?

Mr. MULHALL. I think you will find in the correspondence there is a letter that he called on Mr. Lloyd with reference to Mr. McMichael, or something about that. Let us see; the date of the letter, maybe, will clear up my mind [examining paper]; and he handed me the letter coming from Mr. Lloyd, signed by Mr. Lloyd, saying why Mr. Lloyd would not put Mr. McMichael back as the chief page of the House, and I think it was after that interview, if I remember correctly now, that he called my attention to this matter and that I wrote this report.

The CHAIRMAN. Did Mr. McDermott seem to feel aggrieved about Mr. McMichael not being permitted to retain his place?

Mr. MULHALL. He said he had a meeting with Mr. Lloyd and roundly abused Mr. Lloyd and used very offensive language to him.

The CHAIRMAN. Mr. McDermott said he had done so?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And was it in that same conversation that he told you about this bill, and called your special attention to it?

Mr. MULHALL. As near as I can remember, it was.

The CHAIRMAN. Do you think there is any connection between the fact that Mr. Lloyd had refused to put Mr. McMichael in as chief page and Mr. McDermott telling about this bill?

Mr. MULHALL. No, sir; I do not think there was. I think Mr. McDermott was giving the information for quite a time previous to that, of the same nature that this report speaks about.

Mr. WILLIS. May I ask the witness a question, Mr. Chairman?

The CHAIRMAN. Certainly; go ahead.

Mr. WILLIS. You spoke of a letter from Mr. Lloyd relative to his refusal to appoint Mr. McMichael chief page. Will you refer to No. 4220, and see whether that is the letter?

Mr. MULHALL (examining paper). 4220?

Mr. WILLIS. The letter which Mr. McDermott handed to you?

Mr. MULHALL. Yes, sir; that is the letter.

Mr. WILLIS. And it was at the time when this letter was handed to you that that conversation was had upon which you based this information?

Mr. MULHALL. No, sir; in looking at that letter, I would say, now, that I was wrong just in relation to that incident.

Mr. WILLIS. What is the date of the Lloyd letter?

Mr. MULHALL. The date is May 2, and the date of my report is April 21.

The CHAIRMAN. Is that all, Mr. Willis?

Mr. WILLIS. That is all.

The CHAIRMAN. About when did you first receive instructions from the officials of the N. A. M. to go to work against this Lloyd bill?

Mr. MULHALL. No.

The CHAIRMAN. Or did you need any instructions about it, or did you know it intuitively?

Mr. MULHALL. If Mr. Emery was out of town, I needed no instructions; I went to work on the bill, and I did go to work very effectively; I went to work very effectively, as my labor here will show. I had some interviews with some high officials of the Government, and they promised me that the bill would not go through.

The CHAIRMAN. What officials of the Government?

Mr. MULHALL. The Vice President was one. I met him at his request in his home and he brought me down in his automobile to our office at 611 Union Trust Building and dropped me there, and I went upstairs and reported the facts to Mr. Emery.

The CHAIRMAN. The bill did finally pass, did it not?

Mr. MULHALL. Not while I was employed by this organization. I think it passed in this last Congress, if I am not mistaken. I am not sure of that, but I say—I think it was put on as a rider.

The CHAIRMAN. It was put on as a rider of an appropriation bill?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Well, we do not want to wander away from the McDermott phase of it. Now, the letter there that you have just referred to, No. 4220, has already been put into our records. You say that was a letter handed to you by Mr. McDermott, received by him from Mr. Lloyd, advising him that Mr. McMichael could not be retained as chief page of the House?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. In order to make it clear, Mr. Lloyd was the chairman of what was known as the Democratic caucus patronage committee, was he not?

Mr. MULHALL. Yes, sir, he was; and in addition to that he was chairman of the Democratic national congressional committee.

The CHAIRMAN. Yes; but his having control of this matter of appointment of chief page was not due to his position as chairman of the National Democratic congressional committee?

Mr. MULHALL. No, sir.

The CHAIRMAN. But was due to his chairmanship of what was known as the caucus patronage committee?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Now, No. 4249–4250 seems to be a report, under date of June 21, 1911, made by you to Mr. Bird, and reads in part as follows: "While I was ill I sent for Mr. McMichael and instructed him as to what we wanted done in relation to organizing the bureau of information." What was that bureau of information, Mr. Mulhall?

Mr. MULHALL. That was a bureau that we proposed to start in the room furnished by Mr. McDermott—to have that, to keep a record of the votes upon the floor, and to keep a general record of what was going on on the floor of the House and send it as far as we could get it.

The CHAIRMAN. How many persons were there to be employed in this bureau of information?

Mr. MULHALL. Well, there is a whole lot of correspondence on that, Mr. Chairman, that I think will explain the whole matter.

The CHAIRMAN. You remember personally, do you not, about who was to be employed?

Mr. MULHALL. Well, they did not get it fully organized or up to the system that I thought it should be organized to. Mr. McMichael, and, I should judge, Mr. McDermott came in on that bureau of information; and we had a stenographer employed at that time by the name of Miss Mason, who used to come into that room and take dictation.

The CHAIRMAN. Well, she really had nothing to do with the bureau of information, did she?

Mr. MULHALL. No, sir; only to get up the reports and such matters at that, that would be sent out.

The CHAIRMAN. That would be dictated to her?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. She was not to go out and get bills and documents and cut them out and paste them and to keep records?

Mr. MULHALL. No, sir; nothing at all. That was supposed to be Mr. McMichael's business.

The CHAIRMAN. Was not Mr. McMichael supposed to do this whole business?

Mr. MULHALL. No, sir; Mr. McMichael did not do anything hardly after I got acquainted with Mr. McDermott.

The CHAIRMAN. I am talking about the bureau of information.

Mr. MULHALL. He was to do the detail work of it; yes, sir.

The CHAIRMAN. You say, "I gave him the names of a large number of Congressmen that he should see who would help him out with documents or information, or anything he wanted while I was absent from this city." Do you remember what names you gave him?

Mr. MULHALL. I should judge I gave him the names of some Republican Members on the floor, such as Mr. Gardner, Mr. Fairchild, Mr. Dwight, and Mr. Fassett.

The CHAIRMAN. Who would furnish the documents or information? What character of information would they furnish him?

Mr. MULHALL. Those gentlemen would not furnish any information; but they would furnish him documents, or help him to get any documents that he wanted.

The CHAIRMAN. Well, upon what gentlemen could he rely for information, then?

Mr. MULHALL. Well, he could generally get that information on the floor; anything that he could pick up, or get it from the Record, or any information that he might pick up. The votes he certainly could get the most of that information from the Record—the facts from the Record of what took place on the floor.

The CHAIRMAN. Of course, that was perfectly easy; and I was just wondering, therefore, why you say, "I gave him the names of a large number of Congressmen that he could see that would help him out with documents, or information."

Mr. MULHALL. I meant documents when I——

The CHAIRMAN (interposing). When you had reference to the Members?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And when you referred to information, you did not have reference to Congressmen furnishing him anything other than public information? Is that correct?

Mr. MULHALL. That would be about correct, outside of this warm gentleman that he was working with.

The CHAIRMAN. Did you expect any Member of Congress to furnish him with private information?

Mr. MULHALL. I did not.

The CHAIRMAN. Or advance information of any character?

Mr. MULHALL. No, sir; I did not; not along those lines.

The CHAIRMAN. Well, you say that "Mr. McMichael has done a lot of work for the past four weeks; gotten things in first-class shape as far as our bureau of information is concerned;" and you go on, then, to state what you can do—that you are able to get the congressional records of any Members of the House or Senate, or the vote on any bill, and that you can send out any documents, and so on. Now, that same letter, Mr. Mulhall, tells for the first time, I believe, about this room in the Capitol. You say in there that "We have a room in the Capitol at the present time, and we have fully supplied it with working material without cost to our association, which I hope to have the pleasure of explaining to you some day this week." How did you get that room?

Mr. MULHALL. The room was given to me by Mr. McDermott.

The CHAIRMAN. Where.

Mr. MULHALL. I think in his own office in the House Office Building here.

The CHAIRMAN. Do you remember about what time the matter of getting this room was first taken up? Who suggested the idea of getting this room?

Mr. MULHALL. Mr. McDermott suggested the idea, because he said he did not want me to be sending for him on the floor of the House and for me to send for him to come to the room, and it would be better for me to get Mr. McMichael, and the three of us meet there in the room for conferences.

The CHAIRMAN. And he suggested the idea of using the room, did he?

Mr. MULHALL. Yes, sir; he suggested it was the room he had and suggested the use of the room.

The CHAIRMAN. Did he tell you how he got it?

Mr. MULHALL. I can not just remember the name of the Congressman that he got it through, that had the room in the House Office Building, and that he would not use that room in the basement of the Capitol.

Mr. CLINE. Was it Mr. Rothermel?

Mr. MULHALL. I think it was either Mr. Rothermel or Mr. Rodenberg, or something like that. I am not sure of the name. My memory is not clear enough to say that that is what the name was; but I think it might be either one of those names.

The CHAIRMAN. Do you know whether Mr. McDermott was chairman of one of the committees on expenditures in the departments at that time?

Mr. MULHALL. No, sir; I do not.

The CHAIRMAN. Nothing was said about that at that time?

Mr. MULHALL. No, sir.

The CHAIRMAN. Well, you said it was at Mr. McDermott's suggestion that this room was obtained, and you swear it was generally for the use of yourself and Mr. McMichael and Mr. McDermott, for the purpose of holding conferences?

Mr. MULHALL. Yes, sir; but we used the room for other purposes. I used the room for telephone purposes, and there was other Members visited that room.

The CHAIRMAN. To whom would you telephone from there?

Mr. MULHALL. Oh, most any Member that we might talk with. I had Mr. Coudrey there when he was busy about that time trying to get renominated in St. Louis, and I sent messages to Mr. Coudrey and other Members, and met Mr. Coudrey in that room.

The CHAIRMAN. Were there any others that you can recall who met you in that room that you telephoned for?

Mr. MULHALL. No, sir. As a general rule, I would meet the gentlemen that I wanted to meet in their own rooms; that is, Mr. Gardner would meet me in his room, and I would see the other gentlemen in their rooms, that I went to see.

The CHAIRMAN. You do not remember any other Member of Congress who met you in that room by invitation or in any other way?

Mr. MULHALL. I am under the impression that there was one more that met me in that room, but I can not just recall the name at the present time.

The CHAIRMAN. More than once?

Mr. MULHALL. Yes, sir; I think more than once.

The CHAIRMAN. You say you can not recall the name?

Mr. MULHALL. I can not; no, sir; not just now. In fact——

The CHAIRMAN (interposing). Did he meet you there to discuss legislation, or for what purpose did he meet you there, if you remember that—for his campaign, or what?

Mr. MULHALL. Well, I could not just say, that is some time ago, Mr. Chairman, and I said I know it was very plain about Mr. Coudrey, because my correspondence speaks about my using that room, I believe, and phoning from that room to Mr. Schwedtman.

The CHAIRMAN. You had telephoned to Mr. Schwedtman; where?

Mr. MULHALL. I think we had phoned; I do not know whether we had the use of the long-distance phone or not, but we had for the city phones, and I know that we used that room frequently for phoning

to Mr. Emery's office; and I do not know whether I used it for long-distance calls or not. I am not sure whether that was connected with the long distance or not.

The CHAIRMAN. You are not certain whether you ever telephoned by long distance from that room?

Mr. MULHALL. No, sir; because I know Mr. Coudrey was very anxious at that time to be renominated and I know that I had several meetings with Mr. Coudrey, and I had them in that room.

The CHAIRMAN. How long did you use that room?

Mr. MULHALL. Well, if you will give me the dates of these letters I can tell about the time I left the organization.

The CHAIRMAN. You left it about the time you got the room? Well, this particular letter is dated June 21, 1911, and this is the first letter in which there is any mention of the room so far as we have been able to discover.

Mr. MULHALL Well, then I would say, from June till the last of December, 1911.

The CHAIRMAN. How often did you go there?

Mr. MULHALL. Well, while the extra session was on I went there very frequently.

The CHAIRMAN. Well, how about during the regular session?

Mr. MULHALL. Well, I do not know that we had that room during the regular session—if it was June—if the first letter states it was in June.

The CHAIRMAN. June, 1911, was during the special session.

Mr. MULHALL. Special session?

The CHAIRMAN. And there was a regular session following that.

Mr. MULHALL. Well, I was not very much interested in the regular session. I came over here to some extent, but I do not know whether I used the room.

The CHAIRMAN. Of course there was a regular session following that, in December, 1911.

Mr. MULHALL. Yes, sir; but I was not very much interested at that time.

The CHAIRMAN. You did not go there at that time, but during the special session you went there frequently?

Mr. MULHALL. Yes, sir; we organized that bureau and had frequent meetings there.

The CHAIRMAN. Well, as a matter of fact, Mr. Mulhall, there was not any legislation during that special session except the tariff.

Mr. MULHALL. Well, there was a good deal of talk, and Mr. McDermott was talking about his own affairs; and there were a good many meetings, and he would talk about his affairs. I did not ever meet him, hardly, that he was not talking about his own affairs.

The CHAIRMAN. Well, I was particularly interested just at present, in the matters of legislation that were discussed there.

Mr. MULHALL. Well, I judge—the only way I could explain the frequent meetings, then, outside of legislation, was that he was interested in his return to Congress, and other matters that he was interested in.

Mr. STAFFORD. How long altogether, as your memory serves you now, did you have access to that room?

Mr. MULHALL. I should judge about seven months.

Mr. STAFFORD. Beginning at about what time?

Mr. MULHALL. Well, I should judge beginning, according to this letter, in June.

Mr. STAFFORD. In 1911?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. That was the first session of the Sixty-second Congress, when the Democrats were in control?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Are you quite positive that you never had the use of that room prior to the beginning of the Sixty-second Congress, in March, 1911?

Mr. MULHALL. I am not positive of that, but I think back—I think we did—I think we had it through the winter months.

Mr. STAFFORD. Well, now, you say you had it about seven months?

Mr. MULHALL. Well, if you will take my report on that matter, there are very full reports on that subject, which I wrote to the New York office. There was some dispute with Mr. Emery about that time, as to the room.

Mr. STAFFORD. This is the first reference we have come across where that room is referred to.

Mr. MULHALL. Well, if you will take my reports—that might be the first reference in Mr. McMichael's letters to me——

Mr. STAFFORD. Well, this is a letter from you to Mr. Bird. When do you now recall last having visited that room, to have done any work in connection with the N. A. M.?

Mr. MULHALL. Well, I did work for the N. A. M. up until the last day of December, 1911.

Mr. STAFFORD. When do you now recall having visited that room and used it for any of your own purposes, whether in connection with the N. A. M. or for your individual work, after you separated yourself from the N. A. M.'s services?

Mr. MULHALL. I never used it for a moment after I separated myself from that service.

Mr. STAFFORD. And you are quite sure that the length of time that you used that room was about seven months?

Mr. MULHALL. Not without consulting my reports, I would not say but what it might be more than seven months. I do not know but what I commenced the use of it back in January or February, when I come to think it over.

Mr. STAFFORD. January or February, but not before that time?

Mr. MULHALL. Well, if you will give me the time to go back and find other reports, maybe I can make it more definite.

Mr. STAFFORD. When was it that you had these conferences with farmer Representative Coudrey in that room?

Mr. MULHALL. My reports are very clear on that date, Mr. Stafford, and I could not state without the date.

Mr. STAFFORD. I do not find anything in your diary to that effect.

Mr. MULHALL. Well, you will find in my letters that I cover that very fully, and also everything in the Senate committee, and particularly in relation to Mr. Schwedtman and in relation to Mr. Coudrey's renomination.

Mr. STAFFORD. Yes; there are references to Mr. Coudrey, but there is nothing here about your utilizing that room, or Mr. Coudrey calling there and conferring with you in that room.

Mr. MULHALL. I think you will find a long report there. There is a good deal of correspondence in relation to the room.

Mr. STAFFORD. Where was this meeting? Do you recall distinctly having met former Representative Coudrey in that room?

Mr. MULHALL. Well, I should judge it would have to be in the spring, certainly; or the fall. It might be in the fall of 1911.

Mr. STAFFORD. In the fall of 1911?

Mr. MULHALL. Yes, sir; I am not sure about that, though, without consulting——

Mr. STAFFORD (interposing). Now, what was the conference about?

Mr. MULHALL. About his renomination.

Mr. STAFFORD. About his renomination?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Now, let me refresh your memory, Mr. Mulhall. How extended were the conferences?

Mr. MULHALL. How is that?

Mr. STAFFORD. How extended were the conferences?

Mr. MULHALL. I had several meetings with Mr. Coudrey in that room, if I am not mistaken. I am not testifying to the exact dates, Mr. Stafford, without reading my letters. If you will turn to any letters concerning any conferences I had in that room and give me the exact dates, then I will answer on that.

Mr. STAFFORD. You are certain you had conferences in that room with Mr. Coudrey?

Mr. MULHALL. I am testifying from memory. I do not remember all the facts, but if you have the reports before you and want the facts you can get the facts from these letters.

Mr. STAFFORD. We have examined your memoranda and your diary and find no reference to this one as to this room. You have testified that you have had conferences in that room with one Member besides Mr. McDermott, and that is Mr. Coudrey. Now I am trying to ascertain how many conferences you had with Mr. Coudrey in that room.

Mr. MULHALL. I said if you will let me see the correspondence—I want to be strictly correct on that before testifying as to dates I had those conferences, and I can not testify from memory. My memory is not clear on that subject.

Mr. STAFFORD. It is quite evident to us your memory is not clear on it.

Mr. MULHALL. I can't testify at the present time without looking over my reports on that.

Mr. STAFFORD. Was it about his reelection?

Mr. MULHALL. I believe so.

Mr. STAFFORD. Do you recall having any conference with Mr. Coudrey in this room?

Mr. MULHALL. I frequently met Mr. Coudrey. He was one of the active working members of that organization and had been sent to Congress, I believe, by the organization.

Mr. STAFFORD. When I tell you Mr. Coudrey was not a Member of Congress after March 4, 1911, and was very little in Washington after January 1, 1911, will you now say you had a conference with him in that room?

Mr. MULHALL. At March 4, 1911?

Mr. STAFFORD. Yes.

Mr. MULHALL. Yes; I believe I would, to the best of my recollection, without looking at the reports.

Mr. STAFFORD. The fact is that Mr. Coudrey was not a Member of Congress——

Mr. MULHALL. Yes; at March 4, if my memory serves me now, we had the use of that room in the winter months.

Mr. STAFFORD. I am not asking you about the use of the room; I am trying to ascertain whether you met Mr. Coudrey and had a conference in that room with him?

Mr. MULHALL. Yes; as near as I remember.

Mr. STAFFORD. But the record stands Mr. Coudrey was not a Member.

Mr. MULHALL. March 4. The record might stand that way, but not before March 4.

Mr. STAFFORD. Mr. Coudrey was not elected to the Sixty-second Congress?

Mr. MULHALL. No, sir.

Mr. STAFFORD. His candidacy for reelection, if he was a candidate, took place in the prior November—November, 1910?

Mr. MULHALL. Yes, sir; I understand that.

Mr. STAFFORD. So there could not have been any conference which took place with him in that room about his reelection, because the room was never used for that purpose in the year 1910.

Mr. MULHALL. That would not state I did not have a conference with Mr. Coudrey in that room, and without looking over the reports I still testify I had a conference with him in that room.

Mr. STAFFORD. When he was not a candidate for reelection?

Mr. MULHALL. I would not state what it was on. And you or no other member can tell me he can take his memory and have it clear about something that occurred that long ago, as you are trying to make me do.

Mr. STAFFORD. You testified——

Mr. MULHALL. As near as my memory serves me, I said yes.

Mr. STAFFORD. There is nothing in this record which shows Mr. Coudrey——

Mr. MULHALL. If you would like the fact about it, Mr. Stafford, turn to the reports and they will give you the facts.

Mr. STAFFORD. I am looking only for the facts.

Mr. MULHALL. You ought not to try to mix up a witness before looking at the facts.

Mr. STAFFORD. I am not trying to mix you up.

Mr. MULHALL. I asked you, and I say it again, to look through my reports if you are not trying to mix up the witness.

Mr. STAFFORD. I am asking you in regard to a question put to you by Mr. Garrett as to the different Representatives you had meetings with in that room besides Mr. McDermott. You testified it was Mr. Coudrey.

Mr. MULHALL. As near as my memory serves me; yes.

Mr. STAFFORD. I asked you, furthermore, when that room was placed at your disposal, and you testified——

Mr. MULHALL. My mind is not clear on that, I said. My mind is not clear. I think it commenced on the 1st day of June, and I am under the impression it run into the winter months.

Mr. STAFFORD. When the fact is called to your attention that Mr. Coudrey was not a Member after March 4, 1911, and the last time he was a candidate for Congress, if he was, was in November, 1910, don't you wish to modify your statement that you had a conference in that room with Mr. Coudrey?

Mr. MULHALL. No, sir; I do not wish to modify my statement that I had a conference with Mr. Coudrey in that room, because I am pretty sure on that point. If it was not regarding his reelection it might have been regarding other affairs.

Mr. STAFFORD. Who paid this Miss Mason who was the stenographer?

Mr. MULHALL. The National Association of Manufacturers.

Mr. STAFFORD. How was the money paid?

Mr. MULHALL. It was paid—as near as I now recall—the money was sent to me to pay her.

Mr. STAFFORD. Did she receive any particular stipend?

Mr. MULHALL. Yes, sir; just for the work that she done.

Mr. STAFFORD. She received no regular salary?

Mr. MULHALL. No, sir; I recommended that she be given a regular salary, and there was a good deal of correspondence on that subject.

Mr. STAFFORD. When did she first begin to work as a stenographer for this bureau of information?

Mr. MULHALL. Well, she had been acting as my stenographer for about a year and a half and for the bureau of information from the time we got the room until the time of the close of the extra session.

Mr. STAFFORD. During this year and a half where was she doing her work?

Mr. MULHALL. She was employed in Mrs. Gould's office.

Mr. STAFFORD. Where is Mrs. Gould's office?

Mr. MULHALL. In the Colorado Building.

Mr. STAFFORD. In this town?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Colonel, I want to ask you just a question or two about that room. Did you have any hesitation in getting that room or in using the room?

Mr. MULHALL. No, sir; I do not believe I had.

Mr. CLINE. Did you talk with your superintendent, Mr. Emery, here about the matter before getting the room?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Did you inform him you were about to get the room?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And locate there?

Mr. MULHALL. Yes, sir; and if you will find my reports here, they are full upon that, because there was a fuss. Mr. Emery, when he found we had the room, I believe he made some protest to the New York office, and Mr. Bird and I had quite an extended correspondence upon the subject.

Mr. CLINE. Did he object to your getting the room?

Mr. MULHALL. No; he did not object to my getting the room. He finally let the thing go on.

Mr. CLINE. Did not Mr. Emery tell you he thought it was not safe for you to get the room?

Mr. MULHALL. I believe he did.

Mr. CLINE. And that you would be criticized for it?

Mr. MULHALL. I believe he did.

Mr. CLINE. But after you had gotten the room and gotten installed there, he was satisfied with the work you were doing?

Mr. MULHALL. Well, he did not ask us to move out.

Mr. CLINE. Do you know how many keys there were to that room?

Mr. MULHALL. I believe Mr. McMichael had a key, I had a key, and I am sure Mr. McDermott had one. I am not sure whether anybody else had one or not.

Mr. CLINE. Three keys. You say you got your key from Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Where did you get it?

Mr. MULHALL. I believe I got it in the House Office Building, here at his room.

Mr. CLINE. That is all.

The CHAIRMAN. Did Mr. Emery ever visit that room?

Mr. MULHALL. No, sir; not to my knowledge.

The CHAIRMAN. He never was in there, so far as you know?

Mr. MULHALL. No, sir.

Mr. WILLIS. I understood you to say you might have gotten this key, or Mr. McDermott might have gotten this key which you say was handed to you, from Mr. Rodenberg?

Mr. MULHALL. No, sir; I don't say that, Mr. Willis. I said as near as I could remember I could not even remember the name of the Member that had it before Mr. McDermott.

Mr. WILLIS. You do not know from whom he got the key?

Mr. MULHALL. No, sir; I could not say just from whom we got the keys. I do not believe the question was asked.

The CHAIRMAN. Judge Russell asked you a few moments ago if the name was Rothermel, and you said you believed it was either Rothermel or Rodenberg, or something like that?

Mr. MULHALL. It certainly sounds—I am not certain in my mind; my mind is not clear on it.

The CHAIRMAN. As a matter of fact, if you did not get that room until June 11, the time when it seems to be first referred to (that is the date on which you first referred to it), if you did not get it prior to that time, was Mr. Rodenberg in a position to have had any control over the room? He was a member of the minority party at that time.

Mr. MULHALL. I understood Mr. Rodenberg, or a member of that name, did have control over that room and, on account of using his own room in the House Office Building (this is what I understood from Mr. McDermott), he let Mr. McDermott have the use of that room.

The CHAIRMAN. Mr. Rodenberg or Mr. Rothermel?

Mr. MULHALL. I could not say the particular one of the gentlemen, but if you wish me to get the information I can get it.

The CHAIRMAN. The next letter there is 4251——

Mr. WILLIS. Before you pass from this: Could you get that information and have it for us tomorrow, as to whether it was Mr. Rodenberg or Mr. Rothermel?

Mr. MULHALL. I believe I could, sir, if I have a chance this evening to look up my notes or get at the documents.

Mr. WILLIS. All right; please bring that with you.

The CHAIRMAN. No. 4251. This seems to be a report under date of June 21, 1911, to Mr. J. P. Bird, general manager, and it has reference to certain charts and to obtaining a barometer, chronometer, and compass, etc. It states that you obtained the charts, comprising 30 maps and charts of the coast from New York to Maine. Then it indicates that you were making an effort to obtain from some one the barometer, chronometer, and compass.

Explain that, will you?

Mr. MULHALL. Those were all secured through letters that were sent by Mr. McDermott's secretary, under his name and frank, to the department, for those documents, and the charts were written for by Mr. Bird from the New York office, according to this report, which I know to be true, and the charts, I believe, were sent to Mr. Boudinot and Mr. Bird.

The CHAIRMAN. Do you know what they wanted with those charts?

Mr. MULHALL. For their yachts, while cruising on vacation.

The CHAIRMAN. For themselves?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did you ever send any barometer, chronometer, and compass?

Mr. MULHALL. I am not sure on that, but I testified, on the Senate side, that to the best of my knowledge I believe I did get them.

The CHAIRMAN. You filed the request with the Navy Department, and they referred it to the Geodetic Survey?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And that request was filed by whom—Mr. McDermott?

Mr. MULHALL. Yes, sir; under Mr. McDermott's name.

The CHAIRMAN. But you do not know whether as a matter of fact they got them?

Mr. MULHALL. I do not not. They got the charts.

The CHAIRMAN. Was this request that the department give these things to Mr. Bird or Mr. Boudinot, or to lend them to them?

Mr. MULHALL. No. It was a request of Mr. Boudinot and Mr. Bird, and they were sent for by Mr. McDermott as I understood it, under his name.

The CHAIRMAN. I am talking about the barometer and chronometer.

Mr. MULHALL. Yes, sir. I am certain those people, if they ever sent for anything they did not borrow them. They were sent to be kept.

The CHAIRMAN. What I am trying to get at is whether or not they were trying to get them given to them?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Or did they want to buy them or borrow them?

Mr. MULHALL. No, sir. They never bought anything along those lines in the case of documents.

The CHAIRMAN. The charts, I understood, were public documents; were they not?

Mr. MULHALL. I would not say they were. Charts of harbors are not public documents, are they?

The CHAIRMAN. Oh, yes. There are a large number of charts that are public documents.

Mr. MULHALL. I was not aware of that—that the United States Government was so liberal in supplying charts.

The CHAIRMAN. There are a large number of charts of harbors (I do not know where these particular charts are) that are furnished by the Government.

Mr. STAFFORD. Each Member is assigned a certain number each session.

The CHAIRMAN. What I do not understand is about this barometer, chronometer, and compass, and I am trying to ascertain what you know about that.

Mr. MULHALL. As I testified on the Senate side, I am not sure whether those were secured or not; but to the best of my belief they were.

Mr. STAFFORD. Now you have testified to almost everything within the reach of Representatives. I would like to ask you whether you had any request to get that article which is so easily obtainable, namely, seeds, to be sent out to members of the N. A. M. on any occasions?

Mr. MULHALL. Yes, sir; seeds were sent to——

Mr. STAFFORD. Not bulbs, but vegetable and flower seeds?

Mr. MULHALL. Yes, sir; they were sent by the bags full to the New York office. I believe for every member who wanted a flower garden or a rare plant they were secured for them.

Mr. STAFFORD. You had no difficulty in obtaining seeds?

Mr. MULHALL. Not a particle, sir.

Mr. CLINE. How did you come to be making a report to Mr. Bird when you had your superintendent, Mr. Emery, right here?

Mr. MULHALL. I, as a rule, made reports to Mr. Bird. I considered Mr.—I had an interview, I believe, with a Mr. Kirby in the New York office concerning matters about how I should work, along in 1910, and after that interview Mr. Kirby wanted me put—to have me work directly in the field and, as well, while in Washington here, under the direct supervision of Mr. Emery. That I absolutely refused to do. Then I was turned over to Mr. Bird, and when in the field doing field work I took orders from Mr. Bird and as a rule had to report to Mr. Bird, to the New York office, and also frequently sent letters to Mr. Kirby, president of the association.

Mr. NOLAN. Before you leave that letter I want to ask a question, Mr. Chairman.

The CHAIRMAN. All right; certainly.

Mr. NOLAN. I quote from that letter, Colonel:

> I also sent you the proceedings of the American Federation of Labor of the years 1906, 1907, 1908, 1910.

How did you get those proceedings?

Mr. MULHALL. I got those from Mr. McDermott. Mr. McMichael secured them by writing for them, and I think he had a job getting them. I believe finally he got them from the Public Library, and they were returned. I believe those were requested by Mr. Emery, if I am not mistaken, when he was preparing a speech before the Committee on Civil Service Reform. He wanted to get all the workings of this organization. I mean their proceedings, and their constitution, by-laws, and such things as that.

Mr. WILLIS. Did you send these out under frank?

Mr. MULHALL. No, sir; those were carried to the Washington office, I believe, for Mr. Emery to use.

Mr. WILLIS. But this is a letter to Mr. Bird in which you say, "I also sent you the proceedings of the American Federation of Labor."

Mr. MULHALL. He might have asked for them. As a rule, documents of that kind were furnished by Mr. McDermott and Mr. McMichael.

Mr. WILLIS. No. I am asking you whether you sent those proceedings of the American Federation of Labor under congressional frank?

Mr. MULHALL. I should judge we did.

Mr. WILLIS. Did you regard the proceedings of the American Federation of Labor as a public document?

Mr. MULHALL. I can not just say whether I did regard the proceedings of the American Federation of Labor as a public document, but I never questioned what Mr. McDermott or Mr. McMichael done as far as franking is concerned. I think the only objection Mr. McDermott had about using a frank—he cut out three parties, as near as I remember now, and that was Mr. Kirby, Mr. Van Cleave, and Mr. Parry. He did not want those three names used when he was sending documents to them. He gave us a reason that they were so well known to the labor organization—their names were.

The CHAIRMAN. I call your attention to 4253, because that seems to be a letter from McMichael to you, in which he stated that he had sent the charts referred to before, but that he was unable to secure the chronometer, barometer, or compass for Mr. Bird, and that he had used all means known to get them. I call your attention merely to that, and pass on.

The CHAIRMAN. No. 4257 is a letter from you to Mr. Bird, under date of June 26, 1911, in which you say, among other things:

> I will be able to have this entire affair completed by the 1st of the month.

That refers to this bureau of information?

Mr. MULHALL. Yes, sir.

The CHAIRMAN (reading):

> And Mr. McMichael and I will have it in first-class running shape, and all I stated to you in New York last Friday can be easily accomplished.

In the letter we discussed at some length a few moments ago you made the statement:

> We have a room in the Capitol at the present time, and we have fully supplied it with working material without cost to our association, which I hope to have the pleasure of explaining to you some day this week.

What sort of working material was that?

Mr. MULHALL. Writing paper and envelopes—everything pertaining to sending out correspondence.

The CHAIRMAN. How were they supplied?

Mr. MULHALL. I do not know where they came from, but through the same source—Mr. McMichael or Mr. McDermott.

The CHAIRMAN. You did not pay for them?

Mr. MULHALL. Personally? No, sir.

The CHAIRMAN. Personally or otherwise.

Mr. STAFFORD. I believe Mr. McMichael testified the other day that there was some equipment there. Do you recall what it was?

Mr. MULHALL. Outside of the telephone, I could not.

Mr. STAFFORD. Was there any typewriting machine?

Mr. MULHALL. No, sir. We never had any typewriting done there. We started to do that, and I believe, on the objection of Mr. Emery, and that was cut out, this Miss Irene Mason that came there and took dictation, she used to come down and do the work at another office.

Mr. CLINE. Was the stationery that of any Member of the House?

Mr. MULHALL. They used Mr. McDermott's stationery to some extent.

The CHAIRMAN. Mr. Mulhall, did you ever use Congressman McDermott's frank; that is, his franked envelopes, in any of your correspondence?

Mr. MULHALL. No, sir; not to my knowledge.

The CHAIRMAN. So far as you know, did you ever see his frank on anything except public documents that were frankable?

Mr. MULHALL. I could not say. When Mr. Willis calls my attention to the fact of sending labor documents and things like that—outside of that I would say thay were nearly all public documents.

The CHAIRMAN. You will note that 4264, 4266 is a letter from you, writing to Mr. Bird under date of July 7, 1911. Referring again to this room, among other things, you say:

> I want to say that whoever gave you the impression that we are using the room tendered to me by some friends as a regular headquarters, has certainly made a mistake. After advising with several friends about our work in Washington here, they thought it would be more advisable and that we would be able to do better work by having some secret place where we could meet in the Capitol, and not incur the publicity that would be given by having me seen going from or to their offices in the House Office and Senate Office Buildings to see them.

Who are the persons to whom you refer there, "after advising with several friends they thought it would be more advisable"?

Mr. MULHALL. I don't know of any friends outside of those two friends I am talking about.

The CHAIRMAN. Mr. McMichael and Mr. McDermott?

Mr. MULHALL. Yes, sir. That room was supposed to be for that use principally.

The CHAIRMAN. You do not remember any others that advised you it would be a good thing to have that room?

Mr. MULHALL. I talked with the general manager and also with Mr. Emery about the room.

The CHAIRMAN. Did you talk with them about it before you began using it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And they knew before you wrote this letter of June 21 it was in contemplation?

Mr. MULHALL. Yes, sir. I know I brought Mr. Emery's attention to it if he was in the city about that time. What is the date?

The CHAIRMAN. June 21 is the date of the letter in which you first mention it.

Mr. MULHALL. Yes, sir; I am pretty positive I consulted with Mr. Emery upon that subject.

Mr. CLINE. If you consulted with Mr. Emery and he was satisfied for you to keep that room, how do you explain it, Colonel, that he never came down into the room?

Mr. MULHALL. As I explained a little while ago, Mr. Emery done very little work around the Capitol himself. His work seemed to be sending out documents, long letters to the Members, writing to the National Council for Industrial Defense—he had bills sent to his room and kept in touch with Mr. McMichael and myself.

Mr. CLINE. The work he did he generally did in his room at the hotel?

Mr. MULHALL. At his office in the Union Trust Building. I very seldom saw Mr. Emery up around the Capitol except he would make engagements to come up here.

The CHAIRMAN. By the way, I want to call your attention to the last sentence up there—

some secret place where we could meet in the Capitol and not incur the publicity that would be given by having me seen going from or to their offices in the House Office and Senate Office Buildings to see them.

Did any persons from the Senate Office Building call upon you there at that room?

Mr. MULHALL. No, sir.

The CHAIRMAN. Did you make any effort to get any to call upon you there?

Mr. MULHALL. After consulting with Mr. Emery and Mr. Bird, and my reports on that subject, I was cautioned not to go too far, and I did not.

The CHAIRMAN. You did not use the office as fully as you expected to use it?

Mr. MULHALL. No, sir; I expected at first to use the office fully to get Members down there.

The CHAIRMAN (reading):

Besides this, I have been compelled by the requests that have been made on me from the Washington office to daily see Mr. McMichael, who is chief page of the House.

Those requests from the Washington office, from whom did they come?

Mr. MULHALL. From Mr. Emery.

The CHAIRMAN. What was the character of those requests?

Mr. MULHALL. That would be for bills and documents—anything that he might want sent to his office—all official documents. I frequently furnished his office with books, such as the revision of laws, when they were nicely bound, and any books he might request. He would frequently have more than he would want for his own use and he would send them out to his friends.

The CHAIRMAN (reading):

And on the advice of friends of his they thought also it would be well for me not to be seen running around the House with McMichael, and in this way he could meet me at any time we liked without being seen by any members of the labor lobby or their friends. For the past two years we have been using Mr. McMichael. We have found him a very useful friend. We have been able to use the pages of the House and get information which was of great value through his being on the floor at all times and in daily touch with most of the Members of the House, doing for them confidential work and making it possible for him to get very valuable information.

Now, you say, "We have been able to use the pages of the House." What do you mean by that, Colonel?

Mr. MULHALL. Well, documents sent down to Mr. Emery's office. At an interview I had with Mr. McMichael a short period of time ago

he claimed we still owed $16 for car fare for sending down to Mr. Emery's office, which Mr. Emery still owes him.

The CHAIRMAN. Was that the only way you used the pages of the House other than Mr. McMichael?

Mr. MULHALL. I kind of had the impression they were used for other purposes, but I am not altogether clear on that subject.

The CHAIRMAN. Did Mr. McMichael have any instructions to use them for any other purpose, or do you know?

Mr. MULHALL. I am not clear on that subject. Mr. McMichael generally took his instructions from me, except when he would get phone messages from the Washington office to produce documents.

The CHAIRMAN. Did you give him any instructions to use the pages of the House for the purpose of spying on Members or anything of that sort?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Or any other purpose except this matter of sending documents?

Mr. MULHALL. That is about all I remember at the present time.

The CHAIRMAN. And when you say "we have been able to use the pages of the House and get information which was of great value," you mean, do you, through his being on the floor at all times—that is the expression used here—and do not mean you would be able to get this information through the use of pages other than Mr. McMichael?

Mr. MULHALL. I want to clear the committee's mind on that, maybe, a good deal. If you will notice, through all the correspondence I have had with the officials of this organization they always cautioned me about using the names of Members in the reports I made. I could get more information, as I testified this morning, through Mr. McDermott, when I got intimate with him, than through Mr. McMichael.

The CHAIRMAN. You say "through his being on the floor at all times and in daily touch with Members of the House, doing for them confidential work." Do you know of any other person than Mr. McDermott for whom he did confidential work?

Mr. MULHALL. Only what Mr. McMichael states.

The CHAIRMAN. Did he state he did confidential work for other Members?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Very much?

Mr. MULHALL. Wel, he gave me the names of Members he has done confidential work for in the line of documents and things like that.

The CHAIRMAN. What was there confidential concerning documents or in anything he did for anybody? You mean exchanging documents among Members, procuring documents for Members and buying documents for Members?

Mr. MULHALL. I would rather have that, Mr. Chairman—I would not like the committee to force me to answer that just now.

The CHAIRMAN. I will ask you this way——

Mr. MULHALL. If you will allow me to finish. I think that in the very near future the committee can be very fully enlightened on that subject.

The CHAIRMAN. You mean with reference to his handling of documents?

Mr. MULHALL. I mean about Members getting a large amount of documents and selling them, and things of that stripe.

The CHAIRMAN. Now, do you know of any confidential work that he did for any Member other than that which you have testified you knew of him doing for Mr. McDermott?

Mr. MULHALL. Only what he told me.

The CHAIRMAN. Was he associated with anybody else in the capacity of secretary, to your knowledge?

Mr. MULHALL. No, sir; but he had confidential relations with others.

The CHAIRMAN. Attending to correspondence for them?

Mr. MULHALL. No, sir; I do not believe in relation to attending to correspondence. I would not say that, because I believe he gave most of his time to Mr. McDermott's correspondence, time that he had to spare in that way.

The CHAIRMAN. In what respect did he have confidential relations, according to your understanding of it, with other Members; in what way?

Mr. MULHALL. I do not believe the committee wants to bring that out just now.

The CHAIRMAN. The committee wants to bring out any confidential relations he may have had with Members, if you know anything about it.

Mr. MULHALL. I do not know anything; only hearsay.

The CHAIRMAN. But we first want to know, in order to determine whether it is of value to the committee or comes within the scope of our investigation, the character of his confidential relations that might be of any use to you. You hinted at the matter of the sale of documents. Mr. McMichael testified when he was on the stand here, if I recall, that he handled documents and exchanged documents. I do not think we care to go into that if that is it.

Mr. MULHALL. That is about all I can remember at the present, Mr. Chairman.

The CHAIRMAN. That may be a proper course of inquiry later on.

Mr. MULHALL. The statement has been made, I understood—Mr. McMichael told me that there was a certain Member here a brief period of time, who had shipped to his place over $50,000 worth of documents.

The CHAIRMAN. That was not of any aid to the National Association of Manufacturers, was it?

Mr. MULHALL. No, sir; not in a direct way.

The CHAIRMAN. How was it of any aid in an indirect way?

Mr. MULHALL. When Mr. McMichael was acquainted with any of those Members we generally got information from them; that is, in relation to how they would vote and such like.

The CHAIRMAN. Was there any respect other than you have already stated in which you understood Mr. McMichael maintained confidential relations with any other Member of the House?

Mr. MULHALL. Only what he has told me and—I don't believe I am justified at the present time, either for the benefit of this committee or for the good of this investigation, to disclose what Mr. McMichael told me or what other Members have told me. I have been advised by friends not to bring it out at this time.

Mr. CRIM. I do not think Mr. Mulhall comprehends the question. You mean with respect to the National Association of Manufacturers?

The CHAIRMAN. That is all on earth I am inquiring about at this time. This document business—I believe Mr. McMichael said something of that—may be a proper matter of inquiry at a later time, but just now we are not interested in that.

Mr. MULHALL. Not in a direct way of any benefit to the National Association of Manufacturers.

The CHAIRMAN. Then the expression "doing for them confidential work and making it possible for him to get very valuable information" had reference, had it, only to Mr. McDermott?

Mr. MULHALL. Yes, sir; or McMichael; what he could pick up.

The CHAIRMAN. This was Mr. McMichael you were talking about in this letter?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Now, another paragraph from that letter goes on to say about the room:

This matter I talked over with Mr. McMichael and others, and we came to this conclusion when we first agreed to have this as a meeting place. Besides, we keep no records here, or anything, or any papers. Up to the present time we have kept them in the private desk of Mr. McMichael in his office, which is always securely locked.

Where was Mr. McMichael's office?

Mr. MULHALL. I think it was in the press gallery over there. He had a desk in the press gallery.

The CHAIRMAN. And the papers, you think, were kept in his office in the press gallery?

Mr. MULHALL. Yes, sir; he showed me the system he started there—that he and I suggested and started.

The CHAIRMAN (reading):

So for those reasons it would be utterly impossible for any scandal to start by my meeting friends in this room, as you say in your letter might be started by not using the greatest precautions.

There is nothing in the next paragraph that I see referring to Mr. McMichael or Mr. McDermott.

Mr. CLINE. I want to ask one question. I want to get a little better idea of your relationship with Mr. Emery—your active relationship. You stayed nights in Baltimore, at home?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Was that your custom right along?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Did you stay in Washington at any time?

Mr. MULHALL. No, sir; no night except when I would bring my wife over.

Mr. CLINE. When you returned from Baltimore in the morning what was your custom, if you had any, with reference to going to Mr. Emery's office and getting directions for your daily work?

Mr. MULHALL. The first thing I did when I got through the station was to go to Mr. Emery's office direct, and stayed there until—sometimes I would be ahead of Mr. Emery, and when he came there we would confer over matters.

Mr. CLINE. That is all I wanted to ask.

Mr. WILLIS. I want to find out a little bit more, Mr. Mulhall, of the use that was made of the pages in the House. You have already covered that to some extent. Did you use these pages to any extent in collecting information on the floor of the House?

Mr. MULHALL. I am not clear on that subject altogether. I said I felt at one time that we had, because I thought it was almost impossible to get the amount of information we were getting and have our two men gather it.

Mr. WILLIS. In order to refresh your memory, I refer to this New York World article of June 29, and read from that article as follows. This is a statement you wrote that Mr. McDermott made to you:

> In addition to using his frank, he also suggested to me the advisability of having the chief page of the House, Mr. J. H. McMichael, his confidential secretary, use the seventy-five and odd pages on the pay roll of the House to pick up any information of value upon the floor of the House which would be of any benefit to the interests of the manufacturers. He said that these boys, who were pages on the floor of the House, would not be suspected if they were seen hanging around where Congressmen met in private conversations, and they could make themselves useful in the cloakroom of the House picking up information which would be useful and which could not be got in any other way.

You wrote that?

Mr. MULHALL. I did and that was strictly correct. That was my statement.

Mr. WILLIS. What I wanted to ask was whether you acted in accordance with this suggestion. I wanted to find out what your relations were to these pages.

Mr. MULHALL. I believe I talked to Mr. McMichael about it at different times, but I am not sure, as I said, that Mr. McMichael used the pages. I know that before the session would begin in the morning—as I called Mr. McMichael's attention to that a short time ago—when I went to the House I would generally get up there about half-past 9 or 10 o'clock, or maybe later on some mornings. The first person I generally looked for would be McMichael, for the double reason—because he used to get for Mr. Emery the kind of documents he wanted, and I would get Mr. McMichael to procure those. Well, if I could not find McMichael on the floor of the House the pages all seemed to know who I was, and they hustled around to find Mr. McMichael for me. So they seemed to be very familiar with my calling on McMichael.

Mr. WILLIS. The pages knew you? Did you know any of them personally?

Mr. MULHALL. I just knew them by casual acquaintance, not their names. I never attempted to learn their names.

Mr. WILLIS. You do not know the names of any of them?

Mr. MULHALL. Maybe I made inquiries and did know some of the names, but I do not remember them now.

Mr. WILLIS. Did you know a page by the name of Shaw?

Mr. MULHALL. Only what I have been told.

Mr. WILLIS. You do not know him personally?

Mr. MULHALL. No; I was told later on that Shaw was a page on the floor, and I believe I saw a young man working in Mr. McDermott's office one morning when I called there to see Mr. McDermott, and I was told later on that his name was Shaw and he was a page of the House.

Mr. WILLIS. You say this page, Shaw, was working in Mr. McDermott's office?

Mr. MULHALL. To my best memory, yes; if he is the one I have reference to now. He was folding documents, and doing work there.

Mr. WILLIS. Did this page ever render you any service?

Mr. MULHALL. Not to my knowledge at the present time; not that I can remember of. He might have found Mr. McMichael for me or run around the floor looking for Mr. McMichael.

Mr. WILLIS. You say you would sometimes send these pages out with documents, and send them on messages?

Mr. MULHALL. No; Mr. McMichael sent them. I gave no orders to the pages myself at all. I did not wish to assume such authority over the pages, outside of what they would volunteer when I would go and make inquiries.

Mr. STAFFORD. How many times, do you recall, have you called on Mr. McDermott in the Capitol or in his office in the House Office Building?

Mr. MULHALL. I could not state altogether, Mr. Stafford. I frequently called, sometimes two or three times a week.

Mr. STAFFORD. Well, you testified, and the correspondence bears it out, that Mr. McDermott expressed an unwillingness to be seen with you about the Capitol, for fear it might arouse the suspicions of the labor lobby. Now, in spite of his protests, did you still call upon Mr. McDermott at his office?

Mr. MULHALL. Not after we secured that room, except at times I could not find Mr. McMichael, and I might go over to his office looking for some matter.

Mr. STAFFORD. Prior to your securing the room you would call on him?

Mr. MULHALL. As I said, we made arrangements to meet at Fritz Reuter's in the evening.

Mr. STAFFORD. Yes, you testified to that yesterday. I was trying to ascertain whether you called on him at his office here in the House Office Building or anywhere in the Capitol?

Mr. MULHALL. Yes, sir; I did. As I testified yesterday, I frequently sent for Mr. McDermott, even on the floor of the House, when I would want him, by Neal, our messenger.

Mr. STAFFORD. What year or years was that when you would call him from the floor?

Mr. MULHALL. I should judge it was the spring session of 1910, the fall session of 1910, and the winter session of 1911.

Mr. STAFFORD. Would you hold your conference with him in his office or in the House Office Building?

Mr. MULHALL. As a rule, no——

Mr. STAFFORD. You would not talk over any matters in his room?

Mr. MULHALL. Not any lengthy talks; no, sir. He might give me some slight information, or tell me to see him later.

Mr. STAFFORD. The long conferences were held, as I understand, down at Fritz Reuter's prior to your obtaining this private room in the Capitol?

Mr. MULHALL. As a rule, yes, sir.

The CHAIRMAN. This letter No. 4267 has reference to that chronometer business, and I think we have got about all of that that we want. No. 4275 seems to be a letter to Mr. Bird apparently introducing Hon. James T. McDermott. That had reference to what?

Mr. MULHALL. That was a letter of introduction that Mr. McDermott wanted to Mr. Bird before he went to Connecticut to build this airship.

The CHAIRMAN. Do I understand that Mr. McDermott desired to call upon Mr. Bird solely in an effort to interest him in taking stock in this aeroplane company?

Mr. MULHALL. No; Mr. McDermott wished me to write to members of the National Association of Manufacturers in Connecticut. I did not think it was a wise thing to do that without consulting Mr. Bird. I consulted with Mr. McDermott upon that subject, and I told him I thought the best way to do it would be to let me give him a letter to Mr. Bird, and that Mr. Bird could give him the names of parties that he might be able to do business with—100 per cent more so than I could—that he knew those people in Connecticut better than I did, and he had better get in touch with those people through Mr. Bird.

The CHAIRMAN. I think I will read that letter:

WASHINGTON, D. C., *July 17, 1911.*

Mr. J. P. BIRD,
General Manager National Association of Manufacturers,
50 Church Street, New York City.

MY DEAR BIRD: This letter will introduce to you one of the very best friends we have in Washington, Mr. James T. McDermott, a Member from the fourth congressional district of Illinois.

I know it is not necessary to call your attention to the many good things I have said in my letters concerning Mr. McDermott to you, for if it was not for the splended assistance he has given us on many occasions, we would have found ourselves traveling over a very rough road here in Washington.

Mr. McDermott is greatly interested in a patent which he wishes to call to your attention, and which I know he will fully explain to you when he hands you this letter. I will take it as the greatest favor you can bestow if you will aid him in any way you can along this line.

So hoping to hear that you have had a very pleasant chat and interview with Mr. McDermott, believe me, as ever,

Faithfully, yours, ——— ———.

In using the words "we," "our," etc., do you have reference to the association?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And in speaking of the "splendid assistance" he has given us, do you have reference to his attitude upon legislation in which you were interested?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. McDermott was not making this call upon Mr. Bird, was he, to talk over any legislative matter with him?

Mr. MULHALL. No, sir. I believe he wanted to get Mr. Bird interested in this flying machine. He thought maybe Mr. Bird had some money to spare.

The CHAIRMAN. It was solely a private business enterprise, was it?

Mr. MULHALL. As I understood it, I thought that the services he had rendered—he wanted me to state that in that letter. In fact, I inquired about just what he did want me to state in the letter, and he thought his claims upon Mr. Bird and the association entitled him to any aid they might be able to give him.

The CHAIRMAN. Do you know whether he did use the letter?

Mr. MULHALL. Yes, sir; the letters show that.

Mr. NOLAN. Did you buy any of that stock?

Mr. MULHALL. I did not have any money on hand at that time; I had sickness on hand. But I thought so much of a flying machine that could not be upset in the air that I would have taken some stock in it.

Mr. WILLIS. Did Mr. Bird take any stock?

Mr. MULHALL. Mr. Bird stated after an interview with the gentleman that he did not take any stock in anything he said, as near as I can remember.

The CHAIRMAN. No. 4278 appears to be a telegram. I will ask you to examine it. It is under date of July 19, 1911, addressed to M. M. Mulhall, and signed "James T." Did you receive that telegram?

Mr. MULHALL. I did, sir.

The CHAIRMAN. It says: "Absolutely necessary you come to Bridgeport immediately. Get your Bridgeport addresses in New York from Mr. B. Try and leave to-night; if possible. Answer Stratfield." What is the explanation of that telegram?

Mr. MULHALL. Just as the telegram states. He wanted me to come to Bridgeport, Conn., to get his advice, and to see Mr. Bird before I started up there, and try to leave that evening, leave Washington that evening.

The CHAIRMAN. He desired you to go there. Did you go?

Mr. MULHALL. No, sir; I did not go.

The CHAIRMAN. Did you hear from him at any time what he desired you for?

Mr. MULHALL. Before he started I did, and after he came back——

The CHAIRMAN. Was it to seek to arouse an interest in this business enterprise of his?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. It has no reference to any legislative matter?

Mr. MULHALL. No, sir; it was in regard to the obtaining of a flying machine.

The CHAIRMAN. Now I pass on to No. 4302, a letter from McMichael to you.

Mr. STAFFORD. Did you ever hear anything from Mr. Bird concerning that flying-machine matter?

Mr. MULHALL. I believe I did, and I believe the correspondence shows that Bird wrote me.

Mr. STAFFORD. Never had any personal talk with Mr. Bird about it?

Mr. MULHALL. Yes, sir; I did. I believe Mr. Bird wanted to know about it, and I believe I asked him if he met McDermott, and he said he had, and he gave me his impression about McDermott, and he said he was greatly disappointed in the man.

The CHAIRMAN. No. 4302 does not seem to be important. It is a letter from McMichael to you under date of August 24, 1911, in which he says:

> The House has adjourned. I would like to have about two weeks off, so I am here in Bridgeport. If you have anything for me, just send word to my home, 2323 F Street NW., Washington, D. C., and I will return at once.
> Trusting this will find you enjoying life after this hard-fought——

and there it apparently ends. It seems to be a fragmentary letter.

Mr. MULHALL. It seems, Mr. Chairman, that that letter is complete with the exception of one word. "Hard-fought fight," I guess he meant.

The CHAIRMAN. What do you suppose he had reference to?

Mr. MULHALL. I thought he had reference to the last session of Congress, perhaps.

The CHAIRMAN. Now, in No. 4303, McMichael, in writing from Washington, under date of September 5, 1911, to Col. Mulhall, says:

As I have not heard anything from you since before Congress adjourned, and up to this time I have received nothing from New York, I write to inquire if I am to write to Mr. Bird about money, or will you attend to same for me?

Explain that.

Mr. MULHALL. At that time, McMichael, as I stated before, was on a yearly salary, $50 a month, and I had made those arrangements with Mr. Bird, and I had written to see why he did not get his pay.

The CHAIRMAN. I will ask you to examine the next letter before you answer further, and see if this refers to the same matter, No. 4305. I call your attention to this paragraph:

Have you been to New York? And what has Mr. Bird to say in reference to my money? I am in a hole here in Washington, and if you could send me a check, I can get on my feet. Have waited all this week. You understand the position I am in, trying to make both ends meet.

It is in reference to his not getting his pay?

Mr. MULHALL. Yes, when he ought to get it.

The CHAIRMAN. It has reference to the same matter as No. 4303?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. He wanted to get his pay from the National Association of Manufacturers?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. No. 4303 is under date of September 5, 1911, and the next one, No. 4305, is under date of October 5, 1911.

Mr. NOLAN. Read also No. 4307.

The CHAIRMAN. I was just about to say that 4307 seems to be a letter to McMichael under date of October 13, in which you say: "After receiving your telephone message last week, I went to New York the next day and had a long interview with Mr. Bird, and he told me to see that you were fixed up according to the agreement I had made with you."

What does that mean?

Mr. MULHALL. That he should get $50 a month for the year; that he was on a yearly salary.

The CHAIRMAN. No. 4309 is the next, and I want to call your attention to it. It reads:

BALTIMORE, MD., *October 16, 1911.*

Received from M. M. Mulhall, $100 for services rendered September-October, 1911.

It is signed "J. H.," which I presume should be "I. H. McMichael, Capitol." What was that?

Mr. MULHALL. I had been down in Maine for August and part of September—yes, and part of July, August, and September—and when I returned that was back money owing to him, and I settled up with him and took his receipt.

The CHAIRMAN. And concerning that you testified fully yesterday, I believe?

Mr. MULHALL. Yes, sir; that is $100.

The CHAIRMAN. That was the payment to him of his salary as settled for September and October; is that correct?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That brings us to the Chicago campaign of 1912. There are a few documents in here about that, and I am going to ask

you to give the committee a succinct statement of your trip out there, how you came to go, what you did after arriving there, giving us the history of this check concerning which there has been some testimony.

Mr. MULHALL. Mr. Chairman, could I get that list now?

The CHAIRMAN. We have been unable to procure that list. The Senate Committee either does not understand what we desire or it is not there. We have sent a messenger personally——

Mr. MULHALL (interposing). I think if I saw Senator Reed's secretary or Senator Overman's secretary I would be able to clear that matter up.

The CHAIRMAN. Do you suppose that you can get in touch with some member of the Senate Committee early in the morning and see if you can procure that list and give us a brief, succinct, complete statement about that transaction?

Mr. MULHALL. I think I can.

Mr. J. H. RALSTON. Mr. Chairman, may I just say a word?

The CHAIRMAN. Yes, sir.

Mr. J. H. RALSTON. Some statement was made here with reference to Mr. Gompers asking for a secret hearing. I want to say that Mr. Gompers did not ask for a secret hearing on the Lloyd bill or any other bill. All of his hearings have been entirely public and he has never wanted anything but public hearings.

Mr. MULHALL. I will say to the gentleman that that was not my statement.

(Thereupon, at 5.48 o'clock p. m., the committee adjourned to meet at 10 o'clock a. m., to-morrow, Saturday, August 23, 1913.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Saturday, August 23, 1913.

The committee assembled at 10 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, and Willis.

The CHAIRMAN. Gentlemen of the committee, Mr. Chew desires to make a brief statement touching upon some matters in his testimoney several days ago; a correction or modification of his testimony. What is it that you desire to say, Mr. Chew?

TESTIMONY OF N. L. CHEW—Continued.

Mr. CHEW. Mr. Stafford asked me what my business was, and I answered, "a note broker." I was a note broker prior to the passage of this Dyer bill—I mean when it went into effect. Since that time I have not acted as a note broker. In other words, I have not loaned any money on any security of any kind. I simply wanted to make the correction.

Mr. WILLIS. What is your business, then?

Mr. CHEW. I am principally collecting my money in, and have made a few loans unsecured; when a man would come and want to borrow some money I would loan it to him and take his receipt for it.

The CHAIRMAN. As I understand, you are made to say in your testimony the other day that you are a note broker at the present time?

Mr. CHEW. Yes; at the present time.

The CHAIRMAN. And you had in your mind the time before this law was passed?

Mr. CHEW. Before the passage of the Dyer bill.

The CHAIRMAN. Yes; and you desire the correction to show that fact?

Mr. CHEW. Yes, sir; I desire the correction to show that. I think there is another question there, where Mr. Stafford asked me what my present business was, collecting my money; I want to modify that answer, so as to have it making a few unsecured loans.

The CHAIRMAN. Making a few unsecured loans?

Mr. CHEW. Yes, sir; a few unsecured loans.

The CHAIRMAN. All right Mr. Chew. Is that all?

Mr. CHEW. Yes, sir; that is all.

TESTIMONY OF MARTIN M. MULHALL—Continued.

The CHAIRMAN. Mr. Mulhall, you may proceed.

Mr. MULHALL. Those papers, Mr. Chairman, were only pertaining to the Lloyd matter.

The CHAIRMAN. Showing what the Lloyd bill was?

Mr. MULHALL. And they are matters that were sent from the Second Assistant Postmaster General's office to Mr. Emery's office through myself. Second Assistant Postmaster General Stewart turned it over to me, and that was a copy he sent to me. He sent a copy of all that Federation stuff to Mr. Emery's office.

Mr. RUSSELL. I hardly think it would give us any light.

Mr. MULHALL. I found those lists, Mr. Chairman.

The CHAIRMAN. You found the lists?

Mr. MULHALL. Yes, sir; Mr. Clopton had them there—Senator Reed's secretary. I got them through Senator Reed yesterday. Senator Reed remembered my handing them to him, as I stated yesterday.

The CHAIRMAN. Have they been placed in evidence in the Senate yet?

Mr. MULHALL. No, sir; I do not think they have. This is the list that I had written out by Mr. McDermott; it is in Mr. McDermott's handwriting and checked up by Mr. Fred Job.

The CHAIRMAN. Now, if I understand you correctly, this is a list which you state was made out by Mr. McDermott of manufacturers who were members of the National Association of Manufacturers doing business in the district represented by Mr. McDermott in Congress; is that correct?

Mr. MULHALL. I do not think they are all members of the National Association of Manufacturers. We did not, in collecting funds in Chicago on that occasion—why, I went to very few of the members of the National Association of Manufacturers, because at that time I was out of the organization, but I went to see Mr. Job with Mr. McDermott and he agreed to make us up a list, and he was so busy the first day we called that he could not comply with the request we made, so we went the second time, and Mr. McDermott, as I stated, if I remember right, wrote that list in my room in the Sherman House, and then we went up to Mr. Job's office and Mr. Job put that in his own handwriting, and went on to say that he thought we could get money from them.

The CHAIRMAN. Now, you speak of Mr. Job's handwriting. I notice here that the list is apparently—or is, in fact, made out with pen and ink, and then I find some interlineations, or rather, some insertions in pencil. Who made those pencil insertions?

Mr. MULHALL. Mr. Fred Job, the lawyer, or attorney, for the Manufacturers' Association of Chicago, one of the worst strike-breaking organizations there are in Chicago.

The CHAIRMAN. And that is Mr. Job's part in this matter, is it; that which is written here in pencil?

Mr. MULHALL. Yes, sir; he wrote that in directing us whom to see, or about the best time to see members of his organization.

The CHAIRMAN. Did he mark all who were members of his organization?

Mr. MULHALL. I believe he did. I believe those are marked, and those that are not marked——

The CHAIRMAN (interposing). Are not members of his organization—is that correct?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Well, this list will be marked "Exhibit Mulhall No. 1," and will be filed and inserted in the record.

(The paper referred to is as follows:)

EXHIBIT MULHALL No. 1.

Pietz Link Belt, 39 Stewart.
Heizler & Jung (Edwd. Heissler), 301 W. 39th St.
Lyon & Healy (M. Bowers), Wabash & Adams.
Brunswick-Balke-Collender Co., 324 So. Wabash.
Herbert Boiler Co. (M. E. Herbert), 140 Root St.
D. M. Goodwillie Co. (Chas. F. Goodwillie), 22d & Center Ave. Box factory.
Amn. Car & Foundry Co. (Ed. Carry), 80 E. Jackson Blvd., 2306 So. Paulina St.
Western Foundry Co. (John P. Oneill), 3634 So. Kedzie Ave.
Albright Nell Co., 4019 Wentworth Ave.
Universal Portland Cement Co. (E. M. Hagar), 72 W. Adams (1434).
Fairbanks Morse & Co., Wabash Ave. & Eldridge Court (M. Head).
De Lavergne Machine Co. (Mr. Zerneck, Mgr.), 1504 Fisher Bldg.
Machinery Warehouse Co., 37 So. Ashland.
Amn. Aluminum Co., 37 W. Van Buren, room 915.
Central Architectural Iron Co., 521 Monadnock Bldg.
D. A. Anderson, 4101 La Salle St.
Duffin Iron Works (Dan Duffin), 4001 Wentworth.
Jas. A. Brady Foundry Co., 35 & Ashland.
So. Halsted St. Iron Works (Mr. Van Derkloot), 2607 So. Halsted.
Chgo. Retort & Fire Brick Co. (Chas. Reed), 72 W. Adams St., 45 La Salle St. (823).
Hewitt Mfg. Co. (Chas. M. Hewitt), 40 & Emerald.
Goodman Mfg. Co. (Frank S. Washburn), 48th and Halsted.
Nutriment Co. (Peter Duff), 49th near Halsted.
Ajax Forge Co. (F. B. Bradley), 2499 Blue Island; Prest., 332 So. Michigan Ave.
Cable Piano Co. (F. S. Shaw), 301 So. Ashland Ave., 1731 W. 22d St.
Amn. Asphalt Paving Co. (Jos. W. Royer), 133 W. Washington St., 2335 So. Paulina.

Mr. EASBY-SMITH. Mr. Chairman, may I make a request at this time?

The CHAIRMAN. Certainly, Mr. Easby-Smith.

Mr. EASBY-SMITH. In reading the testimony of Mr. Mulhall before the Senate committee, I observe that on several occasions he referred to papers which he said were in the handwriting of Mr. McDermott, and which he either had or would produce before the Senate committee. In response to a question, day before yesterday, I think, from Mr. Ferris, he said that he could answer certain questions put to him if they would produce the notes in Mr. McDermott's handwriting. He also referred, before this committee, to a large number of notes—18 or 20—which he had received from Mr. McMichael during the course of their dealings. And I now make a request that the witness produce those papers, if he has them, or if he has turned them over to the Senate committee that a request be made upon the Senate committee to send them here.

Mr. MULHALL. I would like, Mr. Chairman, to have the gentleman read that from the record of my testimony before the Senate committee.

Mr. EASBY-SMITH. I will do so.

The CHAIRMAN. The request of Mr. Easby-Smith will be noted, and any papers of that character that you can produce, Mr. Mulhall, of course the committee will be glad to have.

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And if you happen to know, and can furnish the committee with a memorandum of any papers of that character that have been filed with the Senate committee, we will make a request upon the Senate committee for them.

Mr. MULHALL. I testified yesterday, if you remember, distinctly that all that I remember is this list in Mr. McDermott's own handwriting, and maybe some cards I have, and a telegram that he sent to me from Bridgeport.

The CHAIRMAN. Yes; that is my recollection of your testimony of yesterday, as regarded Mr. McDermott; I do not know about the Senate.

Mr. MULHALL. That is why I want Mr. Easby-Smith to read me about the Senate testimony.

The CHAIRMAN. I do not know what the Senate testimony was. I did understand you yesterday to say that there were as many as 15 or 20 notes in the handwriting of Mr. McMichael.

Mr. MULHALL. Yes, sir; that is what I mean.

Mr. EASBY-SMITH. If the chairman please, I thought at the time that Mr. Mulhall made an answer here, that he might have been mistaken; and after I looked over my notes, I took the precaution of consulting the stenographic notes, and also calling the attention of the stenographer to the fact. On August 21, last, at page 1989 of the typewritten record, Mr. Stafford asked the question, "Can you name one other instance, in which Mr. McDermott was not a party"—to getting information. Mr. Mulhall answered, "No, sir; I can not at present name an instance without referring to the notes or the letters. If you will take Mr. McDermott's notes and hand them to me here, I may be able to call to memory some other instance." Now, I have the name "McDermott" in my notes—which are pretty full—as follows:

My notes read: "If you will take Mr. McDermott's notes I will answer those questions." So I think it is quite evident that I got the name "McDermott," and the stenographer got the name "McDermott" correctly; and yet I am inclined to believe that the witness meant Mr. McMichael.

Mr. MULHALL. I believe I stated in my testimony yesterday, Mr. Chairman—if I made any statement, I think the statement I made yesterday, as near as I could make it, is correct. I always considered, in a sense, any information sent by Mr. McMichael to me as coming from Mr. McDermott, because Mr. McDermott always claimed it did. That is what I testified to yesterday, too.

The CHAIRMAN. All right.

Mr. EASBY-SMITH. Mr. Chairman, may I call to the attention of the committee and the witness the statement printed in part 25, of the hearings before the Senate committee, page 2622, as follows:

Senator REED. You have handed me also some papers which you say have some relation to Congressman McDermott?

Mr. MULHALL. Yes, sir.

Senator REED. Which have not yet been printed? I will put them in and we will look them over.

Mr. MULHALL. That is also in the same handwriting.

Senator REED. But not expense accounts. They are papers in his handwriting.

Mr. MULHALL. Yes, sir.

I would like to have those papers.

The CHAIRMAN. You will note the request, Mr. Mulhall.

Mr. MULHALL. I note the request, Mr. Chairman.

The CHAIRMAN. What other papers did you speak of having there this morning—and any others except this list that you have been asked about here?

Mr. MULHALL. Nothing, except that I have got the cards of gentlemen that we called on in this Chicago campaign, Mr. John McCann Glenn, secretary of the Manufacturers' Association of Chicago.

The CHAIRMAN. Well, was that in this 1912 campaign?

Mr. MULHALL. Yes, sir. And also the card of John A. McDermott, whom I called on, the manager of the organization bureau of the United States Brewers' Association, before I went to Chicago.

The CHAIRMAN. Who is that?

Mr. MULHALL. John A. McDermott, who was quite a friend of Congressman James T. McDermott, and whom I met frequently here in Washington, and one of the men that solicited my aid in the campaign of 1911 for the brewers—or he helped me or brought Mr. McDermott and me together. This Mr. McDermott brought the brewers' Mr. McDermott and me together and we had a dinner up at the Ebbitt House.

Mr. WILLIS. Does this John A. McDermott live in Chicago?

Mr. MULHALL. No, sir; this John A. McDermott lives in New York City.

Mr. WILLIS. Where?

Mr. MULHALL. I do not know what his house address is, but his office address is 9–11 East Fifteenth Street.

Mr. CLINE. Is he the Mr. McDermott that we have been talking about here?

Mr. MULHALL. Yes, sir; frequently.

The CHAIRMAN. You say you called upon him before you went to Chicago?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. About how long before, Mr. Mulhall?

Mr. MULHALL. I believe about one or two days before I went to Chicago.

The CHAIRMAN. Where did you call on him?

Mr. MULHALL. Why?

The CHAIRMAN. No; where?

Mr. MULHALL. At his office on Fifteenth Street.

The CHAIRMAN. And for what purpose?

Mr. MULHALL. For the purpose of seeing what he could do in aiding Mr. James T. McDermott in his campaign—the Congressman.

The CHAIRMAN. Well, did you get any aid from him?

Mr. MULHALL. Why, he told me at that time that he had aided Mr. McDermott before, for favors that Mr. McDermott extended to him, to a good-sized amount, and that he did not think that he could help him in this campaign.

The CHAIRMAN. Did he say that he had aided him in prior campaigns?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. How many times, did he say?

Mr. MULHALL. I believe, in his campaign of 1910.

The CHAIRMAN. Well, and he said that he could not do it at that time—he did not think he could aid him in the 1912 campaign?

Mr. MULHALL. No, sir.

The CHAIRMAN. Do you know whether, in fact, he did aid him at any time in that campaign?

Mr. MULHALL. According to Mr. McDermott's story and Mr. McMichael's story and to Mr. John A. McDermott's story, and also to Mr. Fleming's story, I think that he did. All those gentlemen told me that he sent—he had promised $5,000 for something that he did down here, and they had a hard job getting out of Mr. McDermott, of the Brewer's Association—$2,000, and Mr. McDermott had to come to Philadelphia to get it.

Mr. STAFFORD. When was that told you, Mr. Mulhall, by Mr. McDermott, the Representative, and Mr. Fleming?

Mr. MULHALL. Well, it has been told me several times by both of the McDermotts, and it has been told me several times by Mr. McMichael; and it has been told me in Chicago, when I was out there, by Mr. Fleming.

Mr. STAFFORD. Well, as to this contribution of $2,000, will you kindly particularize as to when and where that took place?

Mr. MULHALL. How is that, Mr. Stafford; I did not quite catch that?

Mr. STAFFORD. I understood you to say that Representative McDermott received $2,000 out of $5,000 that had been promised him; when and where was that information told to you?

Mr. MULHALL. I stated that it was told to me at my home by Mr. McMichael. It was told here in Washington by Mr. McMichael; it was told me by Mr. James T. McDermott, the Congressman, on several occasions here in Washington, at Fritz Reuter's and other places. He roundly abused Mr. John A. McDermott for not keeping his promise in not giving the entire amount; and it was told me by Mr. Fleming, Mr. McDermott's brother-in-law, in Chicago, when I was out there in the campaign of 1912, and also by Mr. John A. McDermott.

The CHAIRMAN. How much did he say was given?

Mr. MULHALL. $5,000 was promised and $2,000 was given, and Mr. McDermott had to go to Philadelphia to get it.

The CHAIRMAN. Well, was that given by Mr. John A. McDermott personally, or was it——

Mr. MULHALL (interposing). It was given by the Brewers' Association.

The CHAIRMAN. By the brewers—through his efforts—is that the way you understood it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. When we adjourned yesterday afternoon I had asked you to give us a succinct statement, in your own way, about your trip to Chicago in the campaign of 1912, beginning with the beginning—why you went there and what you did after you got there.

Mr. MULHALL. I went to keep my promise with Mr. James T. McDermott and Mr. McMichael. They had been soliciting my aid while I was in the National Association of Manufacturers for a long period of time; they had my promise that I would go out to Mr. McDermott's district in 1912. Although I was out of the organization, I did what I could to keep my word at that time. I said I had a very sick wife, and I gave that as an excuse why I could not go out earlier—which was an actual fact. And besides that, why, I did

not have the funds to go with at that time. So I made Mr. McMichael aware of that fact, and Mr. McMichael sent me his check over for $75 to meet my expenses to Chicago. I went to—I told Mr. McMichael that I was going to New York to see if I could not get a list of the manufacturers over there, and also to see Mr. McDermott—Mr. John A. McDermott. I went to New York, I believe, on the 23d of March, or thereabouts, and I came back here to Washington and I got a letter of introduction—not a letter of introduction, because I knew Mr. Job myself, but I got a letter from Mr. Emery calling Mr. Job's attention to my going to Chicago to help Mr. McDermott.

After getting those letters, why, I returned to Baltimore and left Baltimore on the 25th and got to Chicago on the 26th of March.

The CHAIRMAN. Just a moment. You say you got a letter from Mr. Emery addressed to Mr. Job?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Well, that was after you had ceased your connection with the N. A. M.?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. All right; go ahead.

Mr. MULHALL. When I got to Chicago I phoned to Mr. McDermott from the Hotel Sherman, and about an hour after phoning to him he came to my room in the hotel, and he seemed awfully pleased to see me, and said that I was slow about coming, and I explained to him why I was slow. And I am not sure whether we started out that afternoon to see certain parties or not in relation to soliciting funds for his campaign, but I am under the impression that we did go to the McCormick estate, to Mr. Harold McCormick's office, to the Harvester Trust—the Harvester people—of Chicago; and on the first visit we made there we found Mr. Harold McCormick——

The CHAIRMAN (interposing). Let me break in there a moment. When did he make out this list, Mr. Mulhall?

Mr. MULHALL. I was going to go on and just state that I believed it was after that. We started away without a list. We had a very friendly reception from Mr. McCormick, and I made known—I presented Mr. Sherman's letter, and later I had the credentials from Mr. Sherman and a letter that I had from Mr. Watson, of Indiana. And we had a very pleasant interview, and finally I approached the subject of helping Mr. McDermott, and told Mr. McCormick of Mr. McDermott's work for our organization—or for the National Association of Manufacturers at that time—what he had done for the organization in the past, and that he was always a very good friend of that organization and helped it in every shape and form that he possibly could. And Mr. McCormick agreed, I believe, at that interview to send us a check for $250.

From there, I believe we went to the Kimball—after we got through with Mr. McCormick, we went to the Kimball Piano Co.—if you will show me that list perhaps I can better guide myself, Mr. Chairman. Maybe I have got another list here in my pocket, I do not know [examining list]. Yes; the Kimball Piano Co.. I believe we went there, and I am not sure whether it was Mr. E. S. Conway, at the corner of Jackson and Wabash Avenue—I am not sure whether it was Mr. Conway or Mr. Kimball. I think it was Mr. Kimball himself though.

The CHAIRMAN. What list are you reading from now, Mr. Mulhall?

Mr. MULHALL. I am reading from another list.

The CHAIRMAN. Is that a list made out by you?

Mr. MULHALL. No, sir. I am not sure whether it was made out by Mr. McDermott or not. It is another list that I brought from Chicago with me [handing paper to chairman].

The CHAIRMAN. And you do not remember who made this list out?

Mr. MULHALL. I am not sure, I think Mr. Glenn made us out a list to consult, of the Manufacturers' Association, or the manufacturers' organization of Illinois. I just got the lists, Mr. Chairman, I have not compared them; so I do not know.

The CHAIRMAN. Yes. Well, go ahead. When you get through with this list we will also put that in the record.

Mr. MULHALL. We had a very long and extended interview with Mr. Kimball on our visit there, and Mr. Kimball seemed to doubt, to be in doubts, that Mr. McDermott was the Congressman from that district. In fact, he seemed to think both of us were looking like a pair of tramps. Neither one of us was fixed up very well, because I had just got into the city, and Mr. McDermott had been out doing a lot of campaign work, and he had on a raincoat. But after seeing my letters and credentials, and stuff that I had with me, he gave us an interview, and asked us to return the next day. We left Mr. Kimball's on that day and went to see Mr. A. C. Bartlett, of Bartlett & Co., down on the river, a large general hardware place, and they kept groceries and a general line of goods—I do not know just what the business is—but it is a large concern in Chicago. And we had a talk, I believe, with one of the assistant managers; he thought that Mr. Bartlett was out of town and he gave this check to us for $25.

The CHAIRMAN. Did Dr. Kimball give you anything on the occasion when you called?

Mr. MULHALL. No, sir; not on the first occasion. I made a visit there the next day. I made four visits to Mr. Kimball.

The CHAIRMAN. All right; go ahead.

Mr. MULHALL (examining paper in his hand). After leaving Bartlett & Co. I believe we had quite an extended interview—not an extended interview, but we talked all the way back about visiting Marshall Field & Co. It was right down in that vicinity. I am not sure whether we went there or not, but we did go to a chemical or the office of a large chemical company in that vicinity. I am trying to get the name here from this list [indicating]. I think it is the Dearborn Drug & Chemical Co., in the Edgar Building—no; it is 32 Michigan Avenue here [indicating]. I believe that we saw there a Mr. Edgar. There were two directors of the company, I believe, in the room at the time when we went in there, and we had quite a friendly talk, and it looked to me as if we would get a good sized check, and after the talk was out, why, Mr. Edgar—if I remember the name right, or Mr. Eddy; Edgar, I believe it is here on this list—why, he brought us out and handed to us $10.

Mr. STAFFORD. Did anyone ever ask you, during your solicitations, as to the amount you expected?

Mr. MULHALL. No, sir. I hesitated about taking the $10, but Mr. McDermott said that he would take anything that was given to him, and he took the $10.

The CHAIRMAN. All right; you may go ahead.

Mr. CLINE. Was Mr. McDermott with you?

Mr. MULHALL. Yes, sir; Mr. McDermott was with me the first and second of my rounds there. I believe he was with me two or three times.

Mr. CLINE. I wanted to inquire whether he was with you all the time?

Mr. MULHALL. No, sir; he was not. After I was there six or seven days, why, Mr. Fleming went around with me.

Mr. CLINE. That is the brother-in-law of Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Did you ever make any solicitations for subscriptions without either Mr. McDermott or Mr. Fleming being with you?

Mr. MULHALL. No, sir; positively not.

As near as I can remember (I am trying to get the name on here, but I don't think it is on this list) I believe we went to the Pullman Car Co. I think you will find it on that other list there, if I am not mistaken. It might be the gentleman's name you saw there. We saw Mr. O. R. Powell, assistant to the general manager of the Pullman Car Co. I asked the gentleman for his card, and he gave it to me. This is his card here [producing card].

Mr. WILLIS. Were those people you called on members of the National Association of Manufacturers?

Mr. MULHALL. I was so informed, sir. The only parties I knew for certain were members of the National Association of Manufacturers was Mr. McCormick. I was told he was a member of the organization, and I always understood he was affiliated with other members of the organization. I knew it for a long time back.

The CHAIRMAN. Mr. Mulhall, in calling upon these men and soliciting their assistance and contribution, what reasons did you assign to them for aiding Mr. McDermott?

Mr. MULHALL. His activities in Washington here in behalf of the National Association of Manufacturers.

The CHAIRMAN. Is that the sole reason?

Mr. MULHALL. That is the reason I gave—his help he rendered to the manufacturers, because I know all those people I had called on understood I had been connected with that organization, and I showed them credentials from the national committee and from Mr. Watson, and maybe I showed them Mr. Van Cleave's letter.

The CHAIRMAN. Did you ascertain the politics of these men upon whom you called before asking for a contribution?

Mr. MULHALL. No, sir, I did not.

The CHAIRMAN. Mr. McDermott is affiliated with the Democratic organization?

Mr. MULHALL. Yes, sir. I believe Mr. McCormick—that is one reason he stated he was slow about giving a contribution, because he was a Republican, and he told us at that interview he was well aware that Mr. McDermott, all over the headquarters, out near the stockyards—that the headquarters was all covered over, and that was his objection, with labor banners, and labor circulars outside around the yard, and he was running as a labor candidate, and he wanted to know how I could get those two facts together—that Mr. McDermott was a friend of the manufacturers and running on a labor platform. [Laughter.] I had quite a job convincing Mr. McCormick on that ground.

Mr. CLINE. Who was Mr. McCormick; a politician?

Mr. MULHALL. No, sir; a business man. He said he was not a politician.

Mr. CLINE. I mean he was interested in politics?

Mr. MULHALL. Oh, yes, sir.

Mr. STAFFORD. Did anybody else you called upon question the position that Mr. McDermott was very friendly to the National Association of Manufacturers?

Mr. MULHALL. No, sir; not that I now remember at the present time.

Mr. FERRIS. When Mr. McCormick did question the sincerity of Mr. McDermott, what assurance did you and Mr. McDermott give him as to your allegiance to the National Association of Manufacturers?

Mr. MULHALL. I believe I gave Mr. McCormick—I showed him my letters—I had quite a bunch of letters—I got several hundred, Mr. Ferris, from the different organizations; I had worked in the past for the national Republican committee for a long period of time and with the New York State committee for four years, and I had quite a bunch of credentials with me to show those gentlemen.

Mr. FERRIS. How did Mr. McDermott justify his position?

Mr. MULHALL. He just followed up my statements. I generally started in talking and he generally followed up my statements and claimed it was just as represented to be by me, that he was a very liberal conservative and he always wanted to help the manufacturers in his district. I think he told me while I was out there, and I believe I did tell one of those people who he got his contribution from before. I asked him when I went out there why he did not join the organization of manufacturers and both he and his brother-in-law take a leaf from my book in that campaign. He had never done that before, and I guess that is the principal reason they had only seen one man to get a campaign contribution from, and that was Mr. Edward Tilden, of the Beef Trust. I think Mr. Tilden always supplied the campaign fund.

Mr. FERRIS. Who told you that, now?

Mr. MULHALL. Mr. McDermott and Mr. Fleming, both. I convinced him of those facts. After we stopped canvassing among manufacturers to some extent Mr. McDermott had me see one of the Schwarzchild brothers—is that the name?

Mr. CRIM. Schwarzchild & Sulzberger?

Mr. MULHALL. Yes; I think that is the name. We went to see the general manager, I think, and he told me after a second interview I believe we had with him—Mr. Fleming and I had—that the only way he could offer a contribution would be independent of the trust, and to see Mr. Tilden; that all the political contributions came that way.

Mr. FERRIS. Just a word further. When Mr. McCormick stated to you that the McDermott headquarters was all covered over with labor signs, union-labor signs, and he doubted the sincerity of Mr. McDermott, did Mr. McDermott make any reference to his affiliations with labor or deny his connection with them?

Mr. MULHALL. I think he made an evasive answer, and said that was what he would call good politics; that that was the way he played politics to get votes.

Mr. FERRIS. What did he say with reference to his true friendship and sincerity for the National Association of Manufacturers?

Mr. MULHALL. He gave Mr. McCormick to understand he was a friend to the National Association of Manufacturers at all times, and to the manufacturing end of the work.

Mr. FERRIS. Did he make any reference to his activities around the Capitol for the National Association of Manufacturers?

Mr. MULHALL. He bore out the statement I made. He said, "The statements are correct."

Mr. FERRIS. What statements?

Mr. MULHALL. I said Mr. McDermott had been extremely useful to us in the Capitol, and he was always active but appeared friendly to the bills that came up beneficial to labor; the eight-hour bill and large bills of that stripe. When it was concluded—I saw the man wanted to be convinced and wanted the right knowledge before he gave it.

Mr. FERRIS. Did Mr. McDermott assent to the statement?

Mr. MULHALL. Yes, sir. He sat there listening for about an hour, as I say, to my reasons explaining Mr. McDermott's attitude. Mr. McCormick then had a large plant in that district, which, I believe, employed about 5,000 people, and I was very anxious to get Mr. McCormick's support and his foremen's support for Mr. McDermott; and I done everything I possibly could to get it.

Mr. STAFFORD. Was this interview with Mr. Kimball?

Mr. MULHALL. No. At Mr. Kimball's, I met, I think it is, Mr. E. S. Conway at the corner of Jackson and Wabash Avenue. I am pretty positive. It is Mr. McCormick I am talking about now. He was in touch with the president of the organization.

Mr. SAFFORD. Do you know whether Mr. McDermott received any contribution from Edward Tilden in this campaign of 1912?

Mr. MULHALL. I know, as I was going to state, Mr. Stafford, we stayed there six days just after chasing Mr. McCormick, with the hope of getting him to state who his choice for candidate was.

Mr. STAFFORD. Then, if I am anticipating, I don't wish to have you state it now.

Mr. MULHALL. Mr. Fleming guarded one door so he couldn't get in without his seeing him, I guarded another, and Mr. McDermott guarded the stairway so he couldn't get up or down, and we laid in wait for him for three evenings. I am not sure whether or not he gave his reasons at that time, but as I understood Mr. McDermott's and Mr. Fleming's reasons were he thought he would help him, as he always did in the past. Mr. Michael McInerney, who was a candidate in the primaries against Mr. McDermott, was very useful to that organization in Chicago and was one of the leading aldermen of Chicago, and he was a very active condidate against Mr. McDermott. They did not want Mr. Tilden—Mr. Tilden wanted to keep out of the primary fight and would support whoever won out in the primaries. He had no choice between the two.

Mr. STAFFORD. You never met Mr. Tilden, then?

Mr. MULHALL. No, sir. I had done everything I possibly could to meet him and expected to meet him afterwards; so I could not say whether they got any support from Mr. Tilden on that occasion or not.

Mr. CLINE. I just want to ask you one question: You quit your active associations with the National Association of Manufacturers in December, 1911?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And this was in the spring of 1912?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And you used the recommendations and statements of the National Association of Manufacturers as a basis in your work, and the acquaintanceship with members in Chicago in making these collections, in part?

Mr. MULHALL. I used my knowledge of the work I helped to do here.

Mr. CLINE. And you produced some recommendations and some letters?

Mr. MULHALL. I had authority to produce one which I always carried with me, which was a credential from the national Republican committee, and I used that and a letter from Mr. Watson, and when anyone questioned me about being with the organization I believe I did show the letter I had from Mr. Van Cleave, saying I was in charge of field work of the National Association of Manufacturers.

Mr. CLINE. Then you also got a letter after you had quit the association from Mr. Emery. Did you expect to use that?

Mr. MULHALL. Yes, sir; a letter to Mr. Job.

Mr. CLINE. What was the social relationship between you and Mr. Emery and other members of the association at that particular period; friendly or otherwise?

Mr. MULHALL. I won't say my relations with Mr. Emery were friendly, solid, but I got that letter from Mr. Emery because I knew he was extremely close to Mr. Job and I know Mr. Job got busy and was a very hustling worker and useful friend to have in Chicago, because I seen Mr. Job in former campaigns.

Mr. CLINE. Did Mr. Emery object to giving you a letter at that time?

Mr. MULHALL. I do not believe he did. He wrote the letter, and I believe you will find the letter in the records here.

Mr. CLINE. I am simply inquiring whether there was any strained relationship existing between you and the National Association of Manufacturers at that time.

Mr. MULHALL. Well, as I before stated, Judge, all along my relations with that organization from the time back in 1910 when Mr. Kirby wanted me to come directly, both in the field work and in the work here in Washington, under Mr. Emery's supervision, and I flatly refused to do so—I don't know as our relations had been friendly from that time.

Mr. CLINE. What I wanted to get clear was whether there was anything existing between you and Mr. Emery to an extent to prevent your getting any letter of recommendation or statement at that time.

Mr. MULHALL. No, sir. I went to Mr. Emery—I went in this spirit, Judge: I thought I would have to make my promise good with Mr. McDermott and to do what I possibly could to get Mr. McDermott back. I was sincere in that effort and wanted to do all I possibly could. I wanted to keep my promise more than anything else, and my pledge.

Mr. FERRIS. Where is that letter now?

Mr. MULHALL. I understood it was in the Senate prints.

Mr. FERRIS. Do you know whether it is or not?

Mr. MULHALL. I am almost sure it is, because I know I saw the letter, and I certainly know I turned the letter over to them. I feel pretty positive it is there.

Mr. FERRIS. Could you get it and produce it here?

Mr. MULHALL. If it is not in the prints I will do all I possibly can to produce it.

Mr. CLINE. I think it ought to go in right in this connection.

The CHAIRMAN. If we can find the letter in the prints it can be inserted at this point.

Mr. CLINE. I believe this is the letter, Mr. Chairman.

The CHAIRMAN. Mr. Mulhall, I will ask you to state if this is the letter, which I now show you [exhibiting paper to witness]?

Mr. MULHALL (after examining paper). Yes, sir; that is the letter.

The CHAIRMAN. Will you read it, please, Mr. Crim?

Mr. CRIM. This is dated March 18, 1912.

MR. FREDERICK W. JOB,
Employers' Association, 832 Marquette Building, Chicago, Ill.

MY DEAR FRIEND: This will serve to introduce Col. Mulhall, who was formerly connected with us and goes to Chicago on a political errand, the nature of which he will explain to you.

I feel sure you will be glad to give him such information and assistance as, under the circumstances, you can.

I am, very truly, yours, JAMES A. EMERY.

Mr. EASBY-SMITH. May I ask that the original of that letter be sent for?

The CHAIRMAN. A note will be made of that request, and as soon as we have opportunity we will take up those various requests.

Mr. RUSSELL. Did Mr. Kimball finally make a donation to you and Mr. McDermott?

Mr. MULHALL. In regard to this letter, I want to say Mr. Emery told me that he was going out to Chicago and he would see Mr. Job maybe before we got there, and when we did get there Mr. Job told me Mr. Emery had preceded me there a couple of days, and I am pretty positive I did not produce the letter when I saw Mr. Job, because Mr. Job was in the campaign of 1908 and I was very friendly with him. When I went there to fight Mr. McDermott in 1910 I had a good deal of correspondence with Mr. Job, or through Mr. Job, and in the Jenkins campaign in 1908 when I went out to Wisconsin.

The CHAIRMAN. Did you think there would be any need for a letter from Mr. Emery to him?

Mr. MULHALL. I thought it would help, or strengthen my work, because I told Mr. Job I was not connected with the National Association of Manufacturers any more, and I believe Mr. Emery's letter stated that; and I wanted Mr. Job's aid on that and to get his activities in that way, because I knew he would help Mr. Emery.

The CHAIRMAN. I believe Judge Russell asked you a question which you have not answered.

Mr. RUSSELL. I just inquired whether you did, in fact, get any donation from Mr. Kimball.

Mr. MULHALL. I made four trips to Mr. Kimball; twice, I think, with Mr. McDermott, and finally I agreed with Mr. Kimball if he would get active in his shop, through his foremen and with his men, we would rather have it that way, because I knew Mr. Kimball was

somewhat of a tightwad, and if he gave a donation it would be a very small one, and I would rather have his active help.

Mr. RUSSELL. Mr. Mulhall, the letters of indorsement and introduction you had, you say, were from Mr. Sherman and other prominent Republicans?

Mr. MULHALL. Yes, sir.

Mr. RUSSELL. And you frankly stated to the manufacturers that you went to that you at that time were a Republican?

Mr. MULHALL. Yes, sir.

Mr. RUSSELL. Well, did it incite any comment or curiosity in any way that you, as a Republican, with indorsements from the chairman of the congressional Republican committee and other prominent Republicans, were there soliciting funds for the assistance of a Democratic candidate for Congress?

Mr. MULHALL. In campaigning, Mr. Russell, and collecting funds, what little experience I had in collecting funds, we did not in seeking individual aid for one Congressman or for Congressmen we thought would help us here in Washington—we never specified whether a man was a Democrat or a Republican, and frequently the manufacturers would not inquire.

Mr. RUSSELL. It was the character of his work in Congress and not his politics?

Mr. MULHALL. Yes, sir; it was the character of his work in Congress and not the character of his politics to a great extent.

Mr. WILLIS. When you solicited this letter from Mr. Emery introducing you to Mr. Job, did you explain to Mr. Emery you were doing it to go there and collect funds to aid Mr. McDermott in his campaign?

Mr. MULHALL. I am not positive now whether I did or not.

Mr. WILLIS. Did you explain you were going there to aid Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. But you are not positively sure you said you were going there to raise funds?

Mr. MULHALL. I am not positively sure I did. I had so many interviews with Mr. Emery while I was in their service—almost daily—that I guess Mr. Emery thought I would be friendly to the manufacturers after I left the organization if he could use me.

The CHAIRMAN. Go ahead with the account of the subscriptions; you say you obtained from Mr. McCormick $250?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was this when you first visited him?

Mr. MULHALL. He did not make the check then.

The CHAIRMAN. I understand that; but you had a promise of $250?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Then you got $25 from somebody else?

Mr. MULHALL. From Mr. Bartlett.

The CHAIRMAN. From Mr. Bartlett?

Mr. MULHALL. Not from Mr. Bartlett. but from some one—I think it was the vice president or the general manager of that institution.

The CHAIRMAN. And you got $10 from a Mr. Eddy, Mr. Edgar Eddy? Is that right?

Mr. MULHALL. Yes, sir; the chemical company.

The CHAIRMAN. All right. You got, how much from Marshall Field & Co.? Did you get a contribution from Marshall Field & Co.?

Mr. MULHALL. I am not positive on that; I am not clear on that, to state whether I did or not, because I think we later on called at another—I believe I can get the name now in relation to this Mr. Conway. Mr. Conway, I think, we were advised, when we saw Mr. Glenn, would be the man to see, if I can remember that incident there; that Mr. Conway was, in fact, the man that did the business for that concern in a political way. I believe I have got the two names now separated, and I believe it was Mr. Conway we saw later on.

Mr. STAFFORD. Which concern are you speaking of now?

Mr. MULHALL. I am speaking of the Kimball Piano people. I am only testifying from memory, Mr. Stafford, as near as I can, to these names. I made no reports on that campaign to anybody.

Mr. STAFFORD. You were out of the N. A. M. then?

Mr. MULHALL. Yes, sir; I believe the next place we called on, as near as my memory serves me now, was the National Foundry Co. at 206 La Salle Street, and I believe there was a contribution promised there. I believe that wound up our afternoon's work. The next day, if my memory serves me right, Mr. McDermott came to my rooms and I believe that was the day we held the list I had and the list of the larger manufacturers in his district, as I stated here in my testimony before, and I sent out a whole lot of letters, and in my haste to get out of Baltimore I either forgot it or lost it, but I did not bring it with me—but I believe it was the next day Mr. McDermott made up that list.

The CHAIRMAN. This list that has been placed in evidence?

Mr. MULHALL. I believe that is the list; yes, sir.

The CHAIRMAN. This list from which Col. Mulhall has just been reading will go in the record at this point. I believe I understand you to state you do not know positively who made out this list?

Mr. MULHALL. I do not know positively. Maybe you gentlemen are better experts in handwriting than I am. I am not any judge.

The CHAIRMAN. But it is a list made out by some one and handed to you while you were in Chicago on this campaign?

Mr. MULHALL. Yes, sir. You can see it is on Sherman House paper, so that would remind it to me that it was made out in the Sherman House.

The CHAIRMAN. This list will be marked "Exhibit Mulhall No. 2."

(The list referred to is as follows:)

MULHALL EXHIBIT No. 2.

[Hotel Sherman, City Hall Square, Chicago, Ill., owned and operated by Hotel Sherman Company, Joseph Belfeld, president.]

T. Edw. Wilder, Wilder & Co., leather, 228 W. Lake St.
Harold F. McCormick, 606 So. Michigan.
C. N. Kimball, E. S. Conway, Jackson & Wabash.
A. C. Bartlett.
Western Foundry Co., 3634 So. Kedzie Ave.
Wm. J. Vanderkloot, South Halstead St. Iron Works, 27th & Halsted.
Pietz, Link Belt Co., 39th & Stewart Ave.
Calvin A. Hill, Heyworth Bros. & Wakefield, 1415 Michigan Ave.
J. Harry Selz, 40 So. Market St.
J. V. Farwell, 102 So. Market St.
T. J. Dewes, Standard Brewing Co.
A. E. McClintock, Natl. Foundry Assn., 206 La Salle St.

treasurer of the Sefton Manufacturing Co., also a member of the National Association of Manufacturers. He gave $25.

The CHAIRMAN. Who is that, please?

Mr. MULHALL. I took his card. This is his card [producing paper].

The CHAIRMAN. He gave that money to you?

Mr. MULHALL. He gave it while I was present, in a check. He gave it by making it in my name, and I cashed the check and turned the money immediately over to those gentlemen. I never kept it in my possession a minute.

Mr. STAFFORD. How was the check made payable?

Mr. MULHALL. M. M. Mulhall.

The CHAIRMAN. In every instance?

Mr. MULHALL. Yes, sir. The biggest part of it was in cash, if I remember right. I believe there were only a few checks; I remember I got the Link Belt people's check.

The CHAIRMAN. How much did the Link Belt people give you?

Mr. MULHALL. $100.

The CHAIRMAN. That was Mr. Carry?

Mr. MULHALL. Mr. Pietz.

The CHAIRMAN. Mr. Pietz?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You say Mr. Carry gave you $100?

Mr. MULHALL. Mr. Carry, as I understood from Mr. McDermott, gave $50.

The CHAIRMAN. $50?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You referred a while ago to the Carr Manufacturing Co.

Mr. MULHALL. The Pullman Manufacturing Co.

The CHAIRMAN. Was that Carr?

Mr. MULHALL. There is a Carr Co.

The CHAIRMAN. Yes; the Carr Manufacturing Co.

Mr. MULHALL. Yes, sir; we went there.

The CHAIRMAN. Did you get anything from Carr?

Mr. MULHALL. I judge there was very few people turned us down completely. I think most everybody we saw, maybe with five or six exceptions, or three or four exceptions, gave us something. The smallest amount I remember we did get there was from that chemical company on La Salle Street.

The CHAIRMAN. That was $10?

Mr. MULHALL. $10; yes, sir.

The CHAIRMAN. Who did you say gave that?

Mr. MULHALL. His name is on there, sir.

The CHAIRMAN. His name is Eddy, I believe; Edgar Eddy?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. McCormick gave $250—a check?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. The Bartlett people $25?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. Eddy, $10?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. Pietz, $100?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. Carry, $50?
Mr. MULHALL. Yes, sir.
The CHAIRMAN. Mr. St. John, $100?
Mr. MULHALL. Yes, sir. Mr. Carry—there was $50—of the American Foundry Co.
The CHAIRMAN. I gave that name, I think. Mr. Clenny, $50.
Mr. MULHALL. $25.
The CHAIRMAN. Now, do you remember any others?
Mr. MULHALL. We called on all of those, and the night before I left Chicago I checked up from memory what we collected each day, and the total amount was $750 outside of the McCormick donations.
The CHAIRMAN. Did you see a Mr. Cornover at any time?
Mr. MULHALL. I saw everybody on that list.
The CHAIRMAN. Have you any personal recollection of seeing a Mr. Cornover at any time?
Mr. MULHALL. Is he on the list there?
The CHAIRMAN. I haven't it on that list.
Mr. MULHALL. I will not testify to anybody who is not on the list, except those I have the cards of.
The CHAIRMAN. He might have been connected with some of these firms?
Mr. MULHALL. I don't know.
The CHAIRMAN. You say you have no personal recollection of calling upon a gentleman by the name of Cornover?
Mr. MULHALL. No, sir; not by that name.
The CHAIRMAN. Or Conover?
Mr. MULHALL. No, sir.
The CHAIRMAN. That makes a total of about $560. Now, you say the total amount raised was——
Mr. MULHALL. The total amount that I understood was to be raised out there was $1,000; that is, counting the McCormick check. When I was out there for about seven or eight days I told Mr. McDermott—Mr. Conover, did you say? Was that a liquor dealer?
The CHAIRMAN. I do not know.
Mr. MULHALL. I know we called at the headquarters of the Liquor Dealers' Association and we had quite a long interview with a gentleman we saw there, who was the Chicago manager, and Mr. John A. McDermott, and he gave us the story about the story they expected they would get from Ed. Tilden. He said Mr. McInerney had been a very useful friend in the past, and the liquor dealers' organization did not like to help either one of those men in the primaries, although Mr. McInerney asked that if he could not get anything, not to give anything to Mr. McDermott. I believe that was about the same story they put up concerning Tilden. McInerney was saying to them that if he could not get any money himself he would stop McDermott from getting money in that campaign.
The CHAIRMAN. Colonel, you were saying something, I believe, about calling on some wholesale liquor concern, or had you finished?
Mr. MULHALL. I believe I had finished with that, Mr. Chairman. It was not a wholesale liquor concern; it was the association known as the Liquor Dealers' Association of Chicago, or of Illinois, I don't know which. We saw the party that managed it there. I think I got his name; I think it was a Mr. O'Neal. I am not sure of that name.

The CHAIRMAN. How many different persons told you that through Mr. John A. McDermott $2,000 was contributed to Mr. James T. McDermott's campaign fund?

Mr. MULHALL. Mr. Fleming, Mr. McDermott himself, Mr. McMichael, and Mr. John A. McDermott, of the brewers' association.

The CHAIRMAN. Where did they tell you that?

Mr. MULHALL. Mr. McDermott—I called his attention to that fact down there at different times, from Mr. McMichael's telling me about it.

Mr. WILLIS. Which McDermott was that?

Mr. MULHALL. John A. McDermott was down in Maine with me in 1911, and at the Thorndyke Hotel he and I had frequent interviews, and at one of those interviews I talked about my coming down there and who sent me, and about Congressman McDermott, and I told him about where McDermott stated he had about got that $2,000—that he was promised five, and that he had difficulty about getting the $2,000.

Mr. WILLIS. Was that in the primary campaign of 1912?

Mr. MULHALL. No, sir; I am talking now about meeting Mr. John A. McDermott, of the brewers' association, in—they are asking me where I had those interviews, Mr. Willis.

Mr. WILLIS. I wanted to be sure when it was stated this contribution of $2,000 was made.

Mr. MULHALL. The contribution was made in the campaign of 1910 for services that were rendered, as I understood, by Mr. McDermott for Mr. McDermott's vote in what they called the "Cannon-rule fight."

The CHAIRMAN. Was that in 1910?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Oh, I misunderstood you. I thought you had been talking about the contribution being made to the 1912 campaign fund.

Mr. MULHALL. No, sir; that was made in 1910.

The CHAIRMAN. Do you know whether Mr. John A. McDermott contributed anything to his campaign in 1912?

Mr. MULHALL. He told me when I saw him over there that he was one of those hungry politicians that was always looking for money, and they did not propose to help him in this campaign. There was another candidate running against him, and between the two they did not have much choice.

The CHAIRMAN. He told you that where?

Mr. MULHALL. He told me that in his office before I went to Maine.

The CHAIRMAN. Now, you stated awhile ago you went to see Mr. John McDermott just a day or two before you started to Chicago to aid Mr. McDermott in the campaign of 1912.

Mr. MULHALL. That is the statement I made. I went to see if they would not aid McDermott or write some letters to people out there who would aid McDermott. That was the time they told me he was a hungry politician, and there was a good man running against him, and between the two his organization had no choice.

The CHAIRMAN. He indicated he did not intend to help you?

Mr. MULHALL. Yes, sir; that was a brief statement.

The CHAIRMAN. You do not know whether, as a matter of fact, he did change his mind later and help him or not, do you?

Mr. MULHALL. No, sir; I do not.

The CHAIRMAN. You never heard anything about that in any way?

Mr. MULHALL. No, sir.

The CHAIRMAN. Now, Mr. Mulhall, I wish you would tell us about the McCormick check matter.

Mr. MULHALL. Well, as I said, while campaigning there with McDermott we saw all the manufacturers we could possibly see in the district—Mr. McDermott himself the first few days and later on Mr. Fleming. We saw a lot of manufacturers outside of those lists I have submitted to the committee, and at different times when campaigning with those people I inquired if the McCormick check came in, because McDermott told me when that check came in I had better cash it for my expenses. So the check did not come for several days, and it seemed it was lost, and the check was inquired for. In the meantime, as I stated, I gave notice to Mr. McDermott I was going back to Chicago. I did not see any sense in my staying there, and I had a pressing engagement back here, that I had a sick member of my family, and I wanted to come back, and he about half agreed to let me go.

The CHAIRMAN. You mean, to come back to Baltimore?

Mr. MULHALL. Yes, sir; I had done about all I could as far as collecting funds was concerned, and we had pretty well covered the manufacturers in the district.

The CHAIRMAN. I understood you to say that a while ago. You inadvertently used the word "Baltimore" for "Chicago."

Mr. MULHALL. I said I was taking leave of Chicago and coming back to Baltimore. I think it was around the 5th or 6th of April; anyway, I had been out there 8 or 10 days.

Mr. McDermott partly agreed to it. I paid my hotel bill in the morning, packed my satchels, and notified the hotel I was going and went around the city—some way I got a phone message, I believe, that Mr. Fleming was coming down to see me. About 4 o'clock in the afternoon I intended to take a train. I think I was leaving Chicago on a limited to the East here, and after getting the message I waited until Mr. Fleming came. Mr. Fleming came, and he urged me in every way he possibly could to have me stay there to help out a little further. He said that he himself, although he was pressed for time—that the campaign I was making there was quite a revelation to him, and where we could not get the money we could get the support of the manufacturers and it was not losing time, and he urged me to stay there. I finally, after a good deal of persuasion, did agree to stay. I was assigned to another room.

I had made frequent inquiries, however, about this check. There was no check came, so I got pretty hard up for money. And I want to say to the committee that from the time I got that $75 from McMichael to the time I left Chicago, I did not get a red cent from either of those gentlemen, either from Mr. McDermott or from his campaign manager, and, when I was leaving there, I was compelled to raise money on my charm to pay my bill and get out of Chicago. I had a little money when I paid my first bill, and I raised the balance, when I was leaving there finally, on my charm in a pawnshop, I think, on Clark Street.

I notified those gentlemen of that fact, and when I got East here I found three letters that were shipped from the Hotel Sherman

to my home here, that had been transferred on the 7th or 8th of the month when I paid my bill, and among the letters was a letter from the McCormick people with a check in it. I cashed the check at Hochschild, Kohn & Co.'s store, where I done a great deal of business in Baltimore, on the 20th of April, if I am not mistaken. Later on, I think, that ended the incident. I got a communication from one of the banks down here. If the committee will let me have those letters they will enlighten the committee on that transaction and also——

The CHAIRMAN. I think if you will turn to No. 4379 you will find the certification.

This is to certify that the endorsement of the undersigned as it appears on check attached hereto and described herein was not made by the undersigned or anyone acting in his behalf.

Is that the one?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That is under date of June 5, 1912.

Mr. MULHALL. I said about June 1 I got this letter from the bank; it is dated Baltimore, June 1, 1912. That is No. 4379. I called at the bank and was shown a letter from a Chicago bank where there was two checks drawn. One apparently was paid on the 5th, I saw by the letter, and another later, about the 19th or 20th of April. I stated to the bank people at that time that I knew nothing at all about any check that was drawn on the 5th; I knew nothing at all about it. They told me then it was a duplicate check, that the parties that went to Mr. McCormick had represented that the other check was lost, and they got a duplicate check, and that—I am not just clear on that subject. They asked me, I believe, if I signed the duplicate check, or which check I signed, and I told the people at the bank that the only check I signed was a check I cashed at Hochschild, Kohn & Co.'s about the 19th or 20th of April, and if anybody signed the other check that was paid on the 5th of April it was a forgery. So, then, they got me to make the following affidavit that comes there. Do you want that affidavit, Mr. Chairman?

The CHAIRMAN. Yes; you may put the affidavit in right there. Is that No. 4379?

Mr. MULHALL. No. 4379.

The CHAIRMAN. That will be put in in full without reading.

The certificate referred to is as follows:

BALTIMORE, MD., *June 5, 1912.*

This is to certify that the endorsement of the undersigned as it appears on check attached hereto and described herein was not made by the undersigned or anyone acting in his behalf or upon his authority.

The check attached hereto is described as follows: Issued by Harold F. McCormick, for two hundred and fifty dollars ($250), dated Chicago, April 1, 1912, drawn on Merchants' Loan & Trust Company, Chicago, Ill., to the order of Col. M. M. Mulhall, and marked "Duplicate."

I further certify that the original of the above-described check was duly received by me and cashed in regular order, and that I know nothing of the reason which prompted the issuance of the check attached hereto.

——— ———.

The CHAIRMAN. Now, that is the complete story of that check, is it, so far as you know about it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You had some correspondence with Mr. McDermott about the matter, or Mr. McMichael, subsequently?

Mr. MULHALL. Oh, I had a letter—I believe before I got this notice from the bank I had some correspondence with Mr. McMichael, and I received——

The CHAIRMAN. I invite your attention to No. 4369, which appears to be a communication from Mr. McMichael under date of May 24, 1912, addressed to you. It reads:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D. C., May 24, 1912.

Mr. M. M. MULHALL,
3933 Old York Road, Baltimore, Md.

DEAR FRIEND: Enclosed find copy of telegram I received this morning in reference to duplicate check. It is necessary that you come to Washington and help straighten this matter out. Even if I have to dig for the money myself, let me hear from you at once by wire Hotel Reuter.

With best wishes, I am,
Truly, yours,
I. H. MCMICHAEL.

Then follows the copy of the telegram, No. 4370, Senate print:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D. C., May 24, 1912.

UNION TRUST CO.:

Duplicate check has shown up for $250 and demand a settlement.

GEO. T. THOMPSON.

This is what I want to see you about.

Did you receive such a communication from Mr. McMichael?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did you reply to it at that time?

Mr. MULHALL. I believe later on I replied—wrote a long letter.

The CHAIRMAN. Now I call your attention to No. 4371, under date of May 24, 1912, which purports to be a letter written by Mr. McMichael to you at Baltimore:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D. C., May 24, 1912.

Mr. M. M. MULHALL,
Baltimore, Md.

DEAR FRIEND: Inclosed find copy of telegram that I got this morning It is very necessary that you come to Washington and see me at once. We were here in the House when you were over here Thursday. This matter must be straightened out even if I have to go and dig up the money.

I can not understand your actions.

Trusting to hear from you at once, I am,
Yours, truly,
I. H. MCMICHAEL.

Now, Mr. Mulhall, that letter was from Mr. McMichael to you?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And he was speaking of having to go out and dig up the money?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Do you know whether Mr. McDermott was in the city, in Washington, at that time or not?

Mr. MULHALL. I am not sure of that, sir.

The CHAIRMAN. Can you understand why Mr. McMichael was saying he would have to go out and dig up the money?

Mr. MULHALL. I understood from an interview I had with Mr. McMichael later on. I tried to have an interview with Mr. McMichael

down at Fritz Reuter's Hotel the first time I met him. I had some correspondence with him, as the correspondence here shows. That night I met McMichael down at Fritz Reuter's Hotel and he and I had some very hot words. Later on, in fact, he told me that McDermott told him I had never collected a cent out in Chicago, and that he had not paid McMichael the $75 that Mr. McMichael advanced to me to go to Chicago with, and instead of saying that I had collected anything out there, saying that I had run up a big hotel bill of $300, which McDermott had to pay.

I told McMichael when I met him in Fritz Reuter's that that was an infamous lie from start to finish, and we came very near coming to blows on that occasion. So I did not see McMichael later on, but I think there is some correspondence here that will enlighten the committee on that subject. I don't know whether those hot words were before this correspondence or afterwards.

The CHAIRMAN. Do you know who the George T. Thompson that signed this telegram is?

Mr. MULHALL. I understood from the banking people that there was somebody indorsed this duplicate check; that there was an indorsement to make it good in some way. I don't know, only—it is not impressed on my memory at the present time, but I got the idea that the bank did something, that this duplicate check required an indorsement besides my indorsement across the back of it.

The CHAIRMAN. Mr. Mulhall, at the time this check from Mr. McCormick—the original one—showed up, did you discuss that with Mr. McDermott?

Mr. MULHALL. Once in a while, when I would meet him, I would inquire if the check had come. And I told McDermott when I arrived at Chicago I only had $13 of McMichael's money; that I had made a trip over to Chicago and back again to Washington to see Mr. Emery, and, with my fare on the limited out to Chicago, all I had left out of that $75 was $13.

The CHAIRMAN. You mean you made a trip from Baltimore here?

Mr. MULHALL. No; from Baltimore to New York to see McDermott; that is, the John A. McDermott, of the brewers' association. Then I made a trip back from New York to Washington to see Mr. Emery, and then from Washington to Baltimore, and then I left Baltimore on the limited to Chicago, I believe, the next day. When I got to Chicago I had but $13 left out of the $75 I received from Mr. McMichael, and I told that fact to Mr. McDermott the first day I met him. Later on I told Mr. Fleming and Mr. McDermott both that my money had about run out and that I had written home for funds, but, on account of sickness and things in my home, matters were not in good shape. They did not seem to pay any attention, except to say that just as soon as that McCormick check came in I had better keep it for my expenses; that that would pay my bill and see me back home again.

The CHAIRMAN. Now, did Mr. McDermott ever say anything to you about getting a duplicate of that check?

Mr. MULHALL. No, sir; not until I met him later on here in Washington. I berated McDermott for the fact——

The CHAIRMAN. I mean at the time of the transaction.

Mr. MULHALL. No, sir.

The CHAIRMAN. Did you yourself call on Mr. McDermott any more after the first time?

Mr. MULHALL. I believe I phoned around the 4th or 5th. They told me they had phoned to Mr. McCormick's secretary at different times, and they got no trace of the check.

Mr. WILLIS. Who phoned to this secretary?

Mr. MULHALL. Both Mr. Fleming and Mr. McDermott; but they found no trace of the check. I believe at one time one of those gentlemen—I am not sure which—I phoned there to Mr. McCormick's secretary, and he said—I believe I told the gentleman at that time he understood that the check was signed. He was not clear on the subject, but that is the impression I got, that the check had been signed, and I informed the gentlemen of that fact at that time.

The CHAIRMAN. Do you remember what date the first check bore, the one you actually cashed?

Mr. MULHALL. I believe it was—I have turned that all in, Mr. Chairman, the receipt they sent me.

The CHAIRMAN. I am just asking if you happen to remember?

Mr. MULHALL. I am not sure of that date, but I think it bore the date of April 1, or somewhere around the first part of April, or April 5; I am not sure.

The CHAIRMAN. The duplicate, according to this record, bore the date of April 1, and I am wondering whether or not they had the same date?

Mr. MULHALL. I think they did; that was the information I got from the bank in Baltimore.

The CHAIRMAN. You say you went to Chicago on the 26th of March?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And on that very day you called upon Mr. McCormick?

Mr. MULHALL. That afternoon, I think.

The CHAIRMAN. Of that day?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And he agreed to give $250?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Did he not make out the check there in your presence?

Mr. MULHALL. No, sir. He explained why, that the check had to come through the McCormick estate, or something like that. I do not know why, but the matter was made plain, fully explained to me, that it came through the McCormick estate, and he said he would send the check for $250, which was sent.

The CHAIRMAN. Was there ever any explanation given of the delay in the receipt of this check by you—I mean given to you by anybody?

Mr. MULHALL. I fully explained that matter to Mr. McDermott later on, when I met him in Washington.

The CHAIRMAN. I am asking if at that time, or about that time, there was any explanation given to you of the delay in the receipt of this check, or at any time?

Mr. MULHALL. No, sir; the only time I communicated with McCormick's office is, as near as I can remember, the date which I have stated, when either one of these two gentlemen was with me.

The CHAIRMAN. Were you surprised when you got to Baltimore and got the information you received there?

Mr. MULHALL. Yes, sir; I was.

The CHAIRMAN. You had no idea it had been forwarded?

Mr. MULHALL. No, sir.

The CHAIRMAN. Had you given any instructions for your mail to be forwarded from Baltimore to Chicago?

Mr. MULHALL. No, sir; I had not. There was nobody in my home; my home was closed up for a long period of time, and if there was anybody there it would be my mother-in-law, who is a very elderly woman, and I left no instructions to forward mail. I once got a letter from my small niece, who wrote to me, but it was just on home matters.

Mr. WILLIS. Before you proceed, I wish you would turn to No. 4365 and explain what that is. It appears to be an unsigned paper. Will you state what that is?

Mr. MULHALL (after examining document). That is a blank receipt which I was to sign, I think, Mr. Willis.

Mr. WILLIS. Did you sign it? It does not so appear here.

Mr. MULHALL. No, sir; but I kept it here in my papers, and I thought there would be some talk about a check, because I certainly did intend to go for the gentleman after I learned of his manner of treating me in Chicago, because I knew he did get a duplicate check while I was there, and had lied to me about getting it.

Mr. WILLIS. You said this paper was in that envelope with that check you received in Baltimore?

Mr. MULHALL. Yes, sir; I believe it was.

The CHAIRMAN. Read the letter below that.

Mr. WILLIS (reading):

CHICAGO, *April 2, 1912.*

Col. M. M. MULHALL,
622 *Sherman House, Chicago,*

DEAR SIR: Inclosed find check of Mr. Harold F. McCormick to your order for $250, for which please sign and return the inclosed receipt.

Very truly, yours,

JOHN A. CHAPMAN, *Agent,*
By WM. JENKINS CAY.

The CHAIRMAN. Now, was 4365 the receipt which was inclosed with 4366 for you to sign?

Mr. MULHALL. I believe it was. I believe if you get the original papers you will find that it is there, as I stated here.

The CHAIRMAN. And you did not, in fact, sign the receipt?

Mr. MULHALL. No, sir; I did not. I kept it here.

The CHAIRMAN. Mr. Mulhall, you did not know at the time you left Chicago that Mr. McDermott had obtained a duplicate check?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. And you left Chicago on the 17th or 18th of April?

Mr. MULHALL. On the 18th of April, as near as I can remember.

The CHAIRMAN. The 18th of April?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You say you made no further efforts to see Mr. McCormick and obtain the check?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Were you informed by Mr. McDermott or anyone else who knew the facts as to those contributions having been made from time to time, that it had not been received?

Mr. MULHALL. Mr. McDermott and Mr. Fleming told me frequently it had been received, and I believe right up to the time I left there.

The CHAIRMAN. You had no knowledge, then, at the time you left Chicago that they had received it?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Did you give Mr. McDermott any instructions in regard to what to do with the check in the event that it was received?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Did you——

Mr. MULHALL. In fact, after the campaign was over, the primaries, in April, on the 15th of April, or, I guess, a couple of days before, I saw nothing of McDermott or Fleming, either one of them.

The CHAIRMAN. You remained until the primaries were over?

Mr. MULHALL. Yes, sir; two or three days, until after the primaries, I believe. In fact, I did not have money enough to get out until I pawned a piece of jewelry.

The CHAIRMAN. Did you see McDermott after the primaries?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. From the 15th to the 18th?

Mr. MULHALL. No, sir; neither one of those gentlemen came near me.

The CHAIRMAN. You say you had not given him any authority or instructions as to the obtaining of a duplicate check?

Mr. MULHALL. No, sir.

The CHAIRMAN. You did not give him authority to sign your name or to indorse your name?

Mr. MULHALL. No, sir; I did not.

The CHAIRMAN. Was there any understanding between you that it would be all right for him to indorse the check?

Mr. MULHALL. I do not believe there was; I am positive of that.

The CHAIRMAN. You are quite positive of that, Col. Mulhall?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was there anyone there who had authority to sign your name, anyone about those headquarters with whom there was any understanding that if a check came in which was raised for his benefit or for the benefit of his campaign he should have the right to sign your name?

Mr. MULHALL. No, sir; nobody; because, in fact, as I said, I understood from both those gentlemen that if a check came in it was to be used for the hotel bill.

The CHAIRMAN. What was the expectation when you went out there——

Mr. MULHALL (interposing). Those gentlemen stated before I went out there they would give me 50 per cent of what I collected there. I refused to do that. I declined to make such an agreement. I said I wanted only my actual expenses, hotel bill and railroad fare and incidental expenses.

The CHAIRMAN. Did this $250 cover your expenses?

Mr. MULHALL. No, sir; it did not. I had a room and all my meals at the hotel, averaging about $8 a day, and the running-around ex-

penses, and taking the total amount altogether and taking the two checks I think there would be about $50 still due.

Mr. WILLIS. Did you settle for your hotel bills before you left Chicago?

Mr. MULHALL. Yes, sir. I never left a place in my life that I did not pay my hotel bills.

Mr. CLINE. You had only $13 left when you got to Chicago?

Mr. MULHALL. That is all.

Mr. CLINE. And that lasted you about two or three days?

Mr. MULHALL. Hardly that, because while I was running around, if there were any expenses, I bore them, incidental expenses of McDermott and myself.

Mr. CLINE. You knew he was getting money from these institutions right along?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Did you not insist that he turn over enough to pay your expenses?

Mr. MULHALL. No, sir; because of his statements that he was hard up, and from my past experience with the gentleman I knew he was always hard up, and I did not press him very hard. I thought we would get better results, and I thought I would get my money from Tilden.

Mr. CLINE. You were donating your services; all you were asking for was money for your expenses in Chicago?

Mr. MULHALL. Yes, sir.

Mr. CLINE. What interest did you have in Mr. McDermott that would lead you to devote half a month or more to his campaign, doing the work you did, without any compensation whatever?

Mr. MULHALL. My gratitude to McMichael for what McMichael had done here, and my friendship for him.

Mr. CLINE. The $250 check was drawn to your order?

Mr. MULHALL. Yes, sir.

Mr. CLINE. How did that come to be drawn to your order?

Mr. MULHALL. That was according to Mr. McDermott—before, when McDermott and McCormick and myself were in the room, McCormick asked McDermott to whom he should draw the check, and he said to M. M. Mulhall.

Mr. CLINE. No other checks were drawn to you in that way?

Mr. MULHALL. Yes, sir; I think three or four.

Mr. CLINE. You indorsed them and turned them over?

Mr. MULHALL. Yes, sir. I believe all the checks were cashed at the Sherman House, and he got the money before he left me.

Mr. CLINE. That was done when they were for your ordinary running expenses?

Mr. MULHALL. My expenses for the first four or five days I was there—I brought some of my own money there, and what I had left of their money was $13, but when I was there I think I had about $40, and that made a total of about $53.

Mr. CLINE. That you used to pay your own expenses?

Mr. MULHALL. To pay my bills.

Mr. FERRIS. You say when you went out to Chicago you had $13 of the McMichael $75?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. How long did you stay in Chicago?
Mr. MULHALL. I stated from the 26th of March until April 18.
Mr. FERRIS. Almost a month?
Mr. MULHALL. About 22 days, I should judge.
Mr. FERRIS. And your expenses were about $8 a day?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. And you had some incidental expenses?
Mr. MULHALL. Yes.
Mr. FERRIS. And you did not receive a cent from McDermott or his brother-in-law while there?
Mr. MULHALL. No, sir.
Mr. FERRIS. You did not take any of the contributions that you received?
Mr. MULHALL. Not a dollar.
Mr. FERRIS. Where did you get the money to pay your hotel bills at that time?
Mr. MULHALL. Out of the $53. I got some money from home through my niece, and the balance I raised on my jewelry.
Mr. FERRIS. And your total expenses for 22 days at $8 a day would be about one hundred and sixty odd dollars?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. Your car fare and expenses would be about $40 or $50?
Mr. MULHALL. Yes, sir. To make it clear——
Mr. FERRIS. Your incidental expenses were about three or four dollars a day?
Mr. MULHALL. No, sir; they ran very low. I generally ate at the hotel, and that was included with the meals, and maybe there were one or two meals that Fleming had there.
Mr. FERRIS. Your expenses were about three or four hundred dollars, your hotel bill, car fare, and so forth?
Mr. MULHALL. Yes, sir; I should judge they were over $300.
Mr. FERRIS. Seventy-five dollars you got from McMichael?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. And $250 you got out of the McCormick check; that would make about $325 you received from the McMichael and McDermott forces, all told?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. Did you receive any other money from them in any way, by contribution or otherwise?
Mr. MULHALL. Not a thing; not in any shape or manner.
Mr. FERRIS. That is all you received?
Mr. MULHALL. Yes, sir.
Mr. FERRIS. Are you sure he told you to cash that $250 check and apply it to your expenses?
Mr. MULHALL. Yes, sir; positive of that.
Mr. FERRIS. At the time the contribution was made, it was made for the McDermott campaign fund.
Mr. MULHALL. Yes, sir.
Mr. FERRIS. And the other check was in your name and that was for the purpose of promoting McDermott's chances?
Mr. MULHALL. Yes, sir; that is what I was there for. I think I did for him about the hardest 22 days' work that I ever did in my life. I worked from early morning until night.

Mr. FERRIS. When you told them you needed money they told you to use the $250 check?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. He did sign your name on the back of the duplicate check?

Mr. MULHALL. I only know what McDermott told me. He told me he did it.

Mr. FERRIS. He admitted that?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Have you ever seen that check since that time?

Mr. MULHALL. No, sir.

Mr. FERRIS. Did he indorse your name to that before you left Chicago?

Mr. MULHALL. He must have done it, according to the letters which reached me from the bank.

Mr. FERRIS. These statements of Mr. McDermott and the letters corroborate that fact?

Mr. MULHALL. I believe they do; yes, sir.

Mr. FERRIS. Are you sure?

Mr. MULHALL. I have the letters from the bank and what McDermott said.

Mr. FERRIS. He did not indorse your name on the back of the Mulhall check without authority from you?

Mr. MULHALL. Yes, sir; I am judging by the letters from the bank, what they said, that there was a forgery, and wanted to know if I had seen that check, and I had only seen the check I got in Baltimore, and I think if Mr. Willis will look through the files—I kept the envelope to show how the check was forwarded—they will show it was addressed to me from the McCormick estate, in one of their envelopes, and when it came to the hotel there was written on that envelope that it should be forwarded to 3933 Old York Road, Baltimore, Md., which is my home.

Mr. FERRIS. You gave the address to the hotel?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Have you ever found out how that letter ever came to be forwarded to Baltimore before you left the hotel?

Mr. MULHALL. I paid my bill in the morning, as I said, and notified the hotel that I gave up my room, and then I did say that if there was any mail for me to forward it to my home address.

Mr. FERRIS. That was at the time that Mr. Fleming induced you to remain longer?

Mr. MULHALL. About eight hours after Fleming called on me, and I remained for the balance of the campaign.

Mr. FERRIS. You did leave a written order with the clerk?

Mr. MULHALL. Yes, sir; I did.

Mr. FERRIS. Do you think that is the reason the letter was forwarded, then?

Mr. MULHALL. That is about the only reason I can give why it was forwarded from the hotel.

Mr. FERRIS. It was at Baltimore when you reached there?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. And you took the check and cashed it, and used the money?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. It was later on when you began getting the letters from McMichael, demanding that you take it up?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Where is that envelope?

Mr. MULHALL. It must be in the Senate print.

Mr. STAFFORD. We have not found it.

Mr. CRIM. The question was asked the witness with regard to whether he had seen the check at all, whether he had seen it since he signed it, or whether it was the duplicate of it. I find in No. 4379 where he makes a certificate in regard to this matter, and I think if Mr. Ferris can make that question a little clearer he can make the answer a little clearer.

Mr. FERRIS. I was only trying to find out how lately he had seen the check. I understand he had not seen it.

Mr. MULHALL. I did not see the check.

Mr. FERRIS. You do not think you ever saw the duplicate check?

Mr. MULHALL. No, sir.

The CHAIRMAN. That certificate which you signed relative to that matter—was that prepared by you, or was that certificate already prepared?

Mr. MULHALL. It was already prepared.

The CHAIRMAN. Do you know who prepared it?

Mr. MULHALL. It must have been from the gentleman who sent the check.

The CHAIRMAN. It seems to have been prepared in Chicago—or in Baltimore?

Mr. MULHALL. The certificate here [indicating]?

The CHAIRMAN. The certificate you signed, No. 4379, which you called an affidavit.

Mr. MULHALL. That was prepared in Baltimore.

The CHAIRMAN. It was prepared in Baltimore?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was it prepared by you?

Mr. MULHALL. No, sir; prepared by one of the officials of the bank.

The CHAIRMAN. Now, then, I invite your attention to the statement:

This is to certify that the indorsement of the undersigned, as it appears on check attached hereto and described herein, was not made by him or upon his authority.

The check attached hereto is described as follows: Issued by Harold F. McCormick; for two hundred and fifty dollars ($250); dated, Chicago, April 1, 1912; drawn on Merchants Loan & Trust Company, Chicago, Ill.; to the order of Col. M. M. Mulhall; and marked "Duplicate."

Does that refresh your memory in any way?

Mr. MULHALL. I still say I did not see the duplicate check.

The CHAIRMAN. You simply saw this description of it?

Mr. MULHALL. Yes, sir; because I was anxious to see the signature and see whether it corresponded in any shape or form with mine.

Mr. WILLIS. You say you did not see that indorsement?

Mr. MULHALL. Not to my knowledge.

Mr. WILLIS. The language states here, you certify——

Mr. MULHALL (interposing). I should judge by reading that, it would look as if they had a check there; but I will still say I did not see the check.

Mr. FERRIS. Who finally took care of the duplicate check?

Mr. MULHALL. I have been told that part of it is still unpaid, or that after this exposé McDermott sent some money to Chicago.

Mr. FERRIS. What was the date of that?

Mr. MULHALL. I had been told that way, and I had an interview with McMichael just before the exposé came out, the first interview I had with McMichael to find out about the statement of McDermott, about McDermott's duplicity, as I called it, and I did not know about the truth of the transaction until I had an interview with McMichael in the corridor of the building——

Mr. FERRIS. The only information you have about that is from what McMicmael told you? Have you had any recent correspondence with the McCormick people?

Mr. MULHALL. No, sir; I have had no correspondence with them since I left there.

Mr. FERRIS. Has there been any criminal prosecution resulting from this?

Mr. MULHALL. Not that I am aware of.

Mr. FERRIS. You have not been advised?

Mr. MULHALL. No, sir.

Mr. FERRIS. They did, at the time they sent this $250 contribution that you received after you returned to Baltimore, send you a blank receipt to sign?

Mr. MULHALL. No; the blank receipt came along with the check.

Mr. FERRIS. That is what I mean; they mailed in the same envelope a blank receipt for you to sign?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Why did you not sign that?

Mr. MULHALL. Because I felt there would be difficulty about it.

Mr. FERRIS. Did you know about the duplicate check?

Mr. MULHALL. No, sir; I did not.

Mr. FERRIS. Why did you think there would be difficulty?

Mr. MULHALL. On account of McDermott's stories about not getting any check, or not knowing anything about the check.

Mr. FERRIS. You did not know he had a duplicate check at that time?

Mr. MULHALL. No, sir; I was under the impression he might have, and I held that paper to see if it was necessary, if there was any trouble between him and me.

Mr. FERRIS. Did you anticipate trouble between you and him at that time?

Mr. MULHALL. After that transaction I did not feel friendly toward him at all.

Mr. FERRIS. You feel they had abused you at Chicago?

Mr. MULHALL. Yes, sir. I felt that when they sent this man down to Fritz Reuter's to beat me up, and when he lied to McMichael and sent McMichael down there to do that job, and when he did McMichael out of his $75, and when he admitted to me he did forge my name, my friendship was not very strong.

Mr. FERRIS. He had not admitted it at that time?

Mr. MULHALL. He admitted when he came back here——

Mr. FERRIS. But the admission of McDermott that he had forged your name did not come until a long time after you had received the $250 check at Baltimore?

Mr. MULHALL. Yes, sir; that was quite a while.

Mr. FERRIS. And that is the reason you think you did not execute the receipt and return it at this time?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. Mr. Mulhall, are you quite positive that when the arrival of this check was delayed in Chicago you did not have any understanding with McDermott that if it did not show up he might get a duplicate and get it cashed? Are you positive upon that?

Mr. MULHALL. I am absolutely positive.

Mr. WILLIS. You never had any agreement with McDermott about getting a duplicate check?

Mr. MULHALL. No, sir; in fact, I felt a little bit hurt that the McCormicks did not send the check, and I kind of believed—I got the impression that they did not intend to send the check, that they inquired concerning McDermott and his campaign, and they did not send the check, and I did not feel like pressing them for a further check.

Mr. STAFFORD. You had received money by means of solicitation of subscriptions after you were prevailed upon by Fleming to remain over on April 5?

Mr. MULHALL. Yes, sir; I believe I did.

Mr. STAFFORD. Your work after April 5 consisted in continuing your calls on manufacturers, as before stated?

Mr. MULHALL. Yes, sir. I know I got that $25 from Mr. Clenny after that, because when Fleming and I went around in an automobile or a taxicab——

Mr. STAFFORD. How much money do you recall that you collected from the time they induced you to remain and continue to work?

Mr. MULHALL. That is too remote at the present time.

Mr. STAFFORD. Were you very successful after April 15?

Mr. MULHALL. I made several calls on gentlemen in insurance offices, and I think he sent us to others; but I am not sure how much I got before I left Chicago, but I would think it was about $750, outside of the McCormick money.

Mr. STAFFORD. How much money did your niece send to you while you were in Chicago?

Mr. MULHALL. I believe she sent me $100.

Mr. STAFFORD. Is that all the money you received while you were there?

Mr. MULHALL. Yes, sir: that was all.

Mr. STAFFORD. And your total expenses, you say, were how much; something like——

Mr. MULHALL (interposing). $180, I think, at the hotel.

Mr. STAFFORD. Yes. You had other incidental expenses that you incurred, as you say, for car fare and the like, and the aggregate amount of $250 plus $75 you received from McMichael?

Mr. MULHALL (interposing). I would not say it amounted to that much. I did testify that the incidental expenses, running around, were very low, because everyone of those gentlemen's offices we visited to see about collections are in the down-town district. All the institutions out in McDermotts district had offices down town.

Mr. STAFFORD. Just permit me a moment. I understood you to testify in response to a query by Mr. Ferris that, taking the $250 check into account, the $75 that McMichael had advanced to you,

and the $40 which you had on your person when you arrived out there——

Mr. MULHALL (interposing). Fifty-three, Mr. Stafford.

Mr. STAFFORD. Fifty-three? Are you right about that? Did not that $13 consist of the balance of the $75 that McMichael advanced to you?

Mr. MULHALL. $13 I had left of the 75. I said I had some money of my own when I got there.

Mr. STAFFORD. I had a clear idea of that; I am right on that and you are wrong. You said——

Mr. MULHALL (interposing). $40, I believe.

Mr. STAFFORD. You said you had $40?

Mr. MULHALL. I believe I had that much.

Mr. STAFFORD. You received $75 besides that from McMichael to pay certain expenses?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Taking the $250 check that you cashed on reaching Baltimore, and taking the $13 of the $75 remaining, and the $40 of your own money, would make $303, and you stated they would still be indebted to you in the sum of $50?

Mr. MULHALL. I figured it up about that time. I had correspondence with McMichael and McDermott on that subject, and I never expected to get the $50, but I figured there was about that much due me.

Mr. STAFFORD. That would make $353.

Mr. MULHALL. I should judge so.

Mr. STAFFORD. I would be interested to know, if you received only $100 from your niece, how much you received on the pawn of your watch charm?

Mr. MULHALL. $100, and if the gentleman wishes me to produce the ticket, I think I can do that.

Mr. STAFFORD. I will not question that you have gone to a pawnshop to pawn your charm. That would made a total of $253.

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Any yet you think your total expenses were $353?

Mr. MULHALL. That would make more than the total, if you add McMichael's $75 onto that, and take off $13, and put McMichael's full $75, and it would make $315 altogether.

Mr. STAFFORD. How often did you telephone the McCormick estate as to whether this $250 check had been issued, prior to leaving Chicago?

Mr. MULHALL. I think about April 18 I phoned once, to my knowledge.

Mr. STAFFORD. About when was that?

Mr. MULHALL. I should judge that it was when that—about seven or eight days, or the eighth or ninth day, I made inquiries about the check; if they got the check.

Mr. STAFFORD. You made inquiries of whom?

Mr. MULHALL. Of Mr. McDermott or of Mr. Fleming; and I should judge it was around about the fifth or sixth day that one of those gentlemen were in my room, or down at the hotel, and I inquired about the check and phoned to Mr. McCormick's office.

Mr. STAFFORD. And what reply did you receive?

Mr. MULHALL. I got the reply, I think, that the check had been sent.

Mr. STAFFORD. They were present, were they, and you told them about the reply?

Mr. MULHALL. Yes, sir; the gentleman was present—I would not say which one. The gentleman was present with me—I mean one of them came to my room every day, either one of them, and I went around with them.

Mr. STAFFORD. Was anything said about that check, or was the matter followed up by the McCormick estate?

Mr. MULHALL. I understood those gentlemen followed it up; they told me they made inquiries. They told me three or four days after I phoned them about not getting the check that they made inquiries.

Mr. STAFFORD. Did Mr. McDermott or Mr. Fleming say anything to you after that—after you telephoned to the McCormick estate?

Mr. MULHALL. Yes, sir; I think they did, a few days before I left there. I made inquiries about the check.

Mr. STAFFORD. And what did they say?

Mr. MULHALL. They said they did not see it.

Mr. STAFFORD. Who said that?

Mr. MULHALL. Mr. Fleming told me so.

Mr. STAFFORD. Did Mr. McDermott ever speak to you about the check after your telephone message?

Mr. MULHALL. I used to see Mr. McDermott at his headquarters on Archer Road. I was at his headquarters several times. I believe he gave me, when I first went to Chicago, if I am not mistaken—this is his phone number [indicating paper in witness's hand] and his home number. And I was in touch with those gentlemen all the time I was there. I could not just go into the details and say just what our daily interviews were.

Mr. STAFFORD. When did they first tell you that you could appropriate that $250 check for your expenses?

Mr. MULHALL. As near as I can remember, when I commenced to talk to Mr. McDermott about not having any money.

Mr. STAFFORD. About when was that?

Mr. MULHALL. Well, I should judge it was after I was there about eight or nine days.

Mr. STAFFORD. You never, after that, asked him for any of this other money that was being cashed by you on checks for his campaign funds, did you?

Mr. MULHALL. No, sir; I did not.

Mr. STAFFORD. And you thoroughly relied upon this check for the payment of your campaign expenses?

Mr. MULHALL. No, sir; I did not thoroughly rely on that.

Mr. STAFFORD. Did you have any expectation of getting that check after you left Chicago?

Mr. MULHALL. I have not called on the gentleman or communicated with the gentleman since I left Chicago, except when Mr. McMichael wrote me an insulting letter, I wrote to Mr. McDermott sharply about it. I would like to refer the gentlemen to that letter.

Mr. STAFFORD. Well, suppose you put it in the record at this point.

Mr. MULHALL. I would like to have the gentlemen read the letter, and then question me after reading the letter.

Mr. STAFFORD. There is no call for that statement of yours at all, Mr. Mulhall.

Mr. MULHALL. Well, from your statement to me yesterday——

The CHAIRMAN (interposing). One moment, now, Mr. Mulhall, Mr. Stafford has a perfect right to pursue the line of inquiries that he is pursuing.

Mr. MULHALL. I suppose he has, Mr. Chairman.

Mr. STAFFORD. Now, I will ask you this: You have stated that there is an envelope existing in which this check was contained. Now, I have examined thoroughly this correspondence and have not found that envelope. Will you kindly call to the attention of this committee where the envelope is printed in the record? You have the record before you.

Mr. MULHALL. I do not know. I am not sure whether the envelope is in the Senate print, or not, but I will say that I brought it, and gave it to the World Bureau, and whether it is in the Senate print I am not sure, because I have never had a copy of the Senate print. I tried to get a copy from Mr. Clopton, but did not get it.

Mr. STAFFORD. Well, you have a copy of the Senate print before you now.

Mr. MULHALL. Well, but I have never gone over it. I have never had time to go over it.

Mr. STAFFORD. And you do not recall having seen that envelope, so far as the Senate print is concerned?

Mr. MULHALL. No, sir; I have not been able to do it, because I have not been over the Senate print. I have not had time.

Mr. STAFFORD. Do you recall the post mark that the envelope bore?

Mr. MULHALL. Why, I recall, certainly, that it came from Chicago. It was forwarded from Chicago, and had the Baltimore post mark on it when it got there——

Mr. STAFFORD (interposing). The letter which you just referred to—which you describe as rather a tart letter, or a sharp letter in response to the insulting letter that you received from Mr. McMichael—I assume is Senate print No. 4374, dated Baltimore, May 30, 1912, containing a narration of the incidents connected with the cashing, or the solicitation of this check of Mr. McCormick's, and also in this connection letter No. 4376, dated June 4, 1912, addressed to Hon. James T. McDermott, in the House Office Building, here at Washington, purporting to have been sent by you—also connected with this incident of your campaign expenses; were those two letters written by you?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. They will be inserted in the record at this point.

(The letters referred to are as follows:)

(4374)

BALTIMORE, *May 30, 1912.*

Mr. J. H. MCMICHAEL,
Care of Hon. James T. McDermott,
House Office Building, Room 323, Washington, D. C.

DEAR SIR: Your short note of May 24 was received by me this morning on my return here to Baltimore, also a copy of an alleged telegram. I am not at all interested in the cancellation of any checks given to Mr. James T. McDermott for campaign expenses during the spring primaries in April in the fourth con-

gressional district of Chicago. I gave to Mr. McDermott last spring about 24 days of my time and received no pay for it up to the present time. I was faithfully promised that my expenses would be paid in advance before I left here, but when I got to Chicago I neither received expenses nor any consideration from the McDermott campaign managers while there, although I worked day and night among the manufacturers of his district to help him in his fight.

Mr. Harold McCormick, of the McCormick Harvester Co., gave to Mr. McDermott's campaign a check of $250 while I was present for campaign expenses. That check came to Baltimore by mistake on account of my notifying the mail clerk in the Hotel Sherman in Chicago to forward my mail to Baltimore when I thought about leaving there a week before the campaign closed, but was persuaded to remain by his friend Fleming. I used that check to pay the campaign expenses incurred by me while working for Mr. McDermott. The check was made out in my name, as all the other checks were that he received from the manufacturers, and it only partly paid the expenses I incurred, and I expect to get a settlement from Mr. McDermott for my time and expenses on my first visit to Washington. For the 20 days that I was at the Hotel Sherman I never received a cent, and my average expenses at the hotel was about $8 per day. I got nothing for incidental expenses, car fare, or railway fare, and I am still out of pocket about $50 for expenses alone; so for those reasons I can't understand why he has turned this matter over to you or why you are writing about this check that came to me.

I have been extremely busy since I left Chicago, and am anxious to come to Washington to have a settlement with Mr. McDermott. I have not been in Washington since I returned from the West, and I can not understand where you got the information that I was there last Thursday.

I will be leaving for New York to-morrow morning, but expect to be back Tuesday or Wednesday of next week, so I hope that you will show this letter to Mr. McDermott and tell him for me that I hope the moment I get to Washington that he will be able to compensate me in some way for the work I did in March and April for him.

Respectfully, yours, ——— ———.

(4376.)

JUNE 4, 1912.

Hon. JAMES T. MCDERMOTT,
Room 323, House Office Building, Washington, D. C.

DEAR SIR: I received a letter from J. H. McMichael, dated May 31, which I suppose was authorized by you. You know that every statement this letter contains is a malicious lie, for you certainly know that you have had my time for 24 days without cost, and, besides, I collected for you, above all expenses, over $500 while I was in Chicago.

Another thing you have certainly acknowledged a dozen times, and that is, that you did not have a list of any of the manufacturers in your district and never did any business with them, outside of the Beef Trust, and when I came to Chicago, on the 28th of last March, you were utterly unable to give me any list to work from, and you claimed yourself that you could not spare the time at that late day to make a canvass of the manufacturers yourself.

I send this letter to you because I have been away from Baltimore, on and off, since the 15th of last month, but I will be in Baltimore next Thursday and will remain there until after the convention, so will be glad to see you at my home in Baltimore or any place that you may designate in Washington any day next week.

I will close this letter to you by saying that my efforts for you in the past deserve better treatment than for you to allow that petty grafter in your office to write me the insulting letter he did.

Very respectfully, yours, ——— ———.

Mr. STAFFORD. Now, in that connection, having read these files very carefully and closely, I will ask you to look at your letter dated June 4, to Mr. McDermott, No. 4376, in which you say that you received a letter from Mr. J. H. McMichael, dated May 31, "which I suppose was authorized by you," and ask you where is that letter of Mr. McMichael, dated May 31?

Mr. STAFFORD. There is no call for that statement of yours at all, Mr. Mulhall.

Mr. MULHALL. Well, from your statement to me yesterday——

The CHAIRMAN (interposing). One moment, now, Mr. Mulhall, Mr. Stafford has a perfect right to pursue the line of inquiries that he is pursuing.

Mr. MULHALL. I suppose he has, Mr. Chairman.

Mr. STAFFORD. Now, I will ask you this: You have stated that there is an envelope existing in which this check was contained. Now, I have examined thoroughly this correspondence and have not found that envelope. Will you kindly call to the attention of this committee where the envelope is printed in the record? You have the record before you.

Mr. MULHALL. I do not know. I am not sure whether the envelope is in the Senate print, or not, but I will say that I brought it, and gave it to the World Bureau, and whether it is in the Senate print I am not sure, because I have never had a copy of the Senate print. I tried to get a copy from Mr. Clopton, but did not get it.

Mr. STAFFORD. Well, you have a copy of the Senate print before you now.

Mr. MULHALL. Well, but I have never gone over it. I have never had time to go over it.

Mr. STAFFORD. And you do not recall having seen that envelope, so far as the Senate print is concerned?

Mr. MULHALL. No, sir; I have not been able to do it, because I have not been over the Senate print. I have not had time.

Mr. STAFFORD. Do you recall the post mark that the envelope bore?

Mr. MULHALL. Why, I recall, certainly, that it came from Chicago. It was forwarded from Chicago, and had the Baltimore post mark on it when it got there——

Mr. STAFFORD (interposing). The letter which you just referred to—which you describe as rather a tart letter, or a sharp letter in response to the insulting letter that you received from Mr. McMichael—I assume is Senate print No. 4374, dated Baltimore, May 30, 1912, containing a narration of the incidents connected with the cashing, or the solicitation of this check of Mr. McCormick's, and also in this connection letter No. 4376, dated June 4, 1912, addressed to Hon. James T. McDermott, in the House Office Building, here at Washington, purporting to have been sent by you—also connected with this incident of your campaign expenses; were those two letters written by you?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. They will be inserted in the record at this point.

(The letters referred to are as follows:)

(4374)

BALTIMORE, *May 30, 1912.*

MR. J. H. MCMICHAEL,
Care of Hon. James T. McDermott,
House Office Building, Room 323, Washington, D. C.

DEAR SIR: Your short note of May 24 was received by me this morning on my return here to Baltimore, also a copy of an alleged telegram. I am not at all interested in the cancellation of any checks given to Mr. James T. McDermott for campaign expenses during the spring primaries in April in the fourth con-

gressional district of Chicago. I gave to Mr. McDermott last spring about 24 days of my time and received no pay for it up to the present time. I was faithfully promised that my expenses would be paid in advance before I left here, but when I got to Chicago I neither received expenses nor any consideration from the McDermott campaign managers while there, although I worked day and night among the manufacturers of his district to help him in his fight.

Mr. Harold McCormick, of the McCormick Harvester Co., gave to Mr. McDermott's campaign a check of $250 while I was present for campaign expenses. That check came to Baltimore by mistake on account of my notifying the mail clerk in the Hotel Sherman in Chicago to forward my mail to Baltimore when I thought about leaving there a week before the campaign closed, but was persuaded to remain by his friend Fleming. I used that check to pay the campaign expenses incurred by me while working for Mr. McDermott. The check was made out in my name, as all the other checks were that he received from the manufacturers, and it only partly paid the expenses I incurred, and I expect to get a settlement from Mr. McDermott for my time and expenses on my first visit to Washington. For the 20 days that I was at the Hotel Sherman I never received a cent, and my average expenses at the hotel was about $8 per day. I got nothing for incidental expenses, car fare, or railway fare, and I am still out of pocket about $50 for expenses alone; so for those reasons I can't understand why he has turned this matter over to you or why you are writing about this check that came to me.

I have been extremely busy since I left Chicago, and am anxious to come to Washington to have a settlement with Mr. McDermott. I have not been in Washington since I returned from the West, and I can not understand where you got the information that I was there last Thursday.

I will be leaving for New York to-morrow morning, but expect to be back Tuesday or Wednesday of next week, so I hope that you will show this letter to Mr. McDermott and tell him for me that I hope the moment I get to Washington that he will be able to compensate me in some way for the work I did in March and April for him.

Respectfully, yours, ——— ———.

(4376.)

JUNE 4, 1912.

Hon. JAMES T. MCDERMOTT,
Room 323, House Office Building, Washington, D. C.

DEAR SIR: I received a letter from J. H. McMichael, dated May 31, which I suppose was authorized by you. You know that every statement this letter contains is a malicious lie, for you certainly know that you have had my time for 24 days without cost, and, besides, I collected for you, above all expenses, over $500 while I was in Chicago.

Another thing you have certainly acknowledged a dozen times, and that is, that you did not have a list of any of the manufacturers in your district and never did any business with them, outside of the Beef Trust, and when I came to Chicago, on the 28th of last March, you were utterly unable to give me any list to work from, and you claimed yourself that you could not spare the time at that late day to make a canvass of the manufacturers yourself.

I send this letter to you because I have been away from Baltimore, on and off, since the 15th of last month, but I will be in Baltimore next Thursday and will remain there until after the convention, so will be glad to see you at my home in Baltimore or any place that you may designate in Washington any day next week.

I will close this letter to you by saying that my efforts for you in the past deserve better treatment than for you to allow that petty grafter in your office to write me the insulting letter he did.

Very respectfully, yours, ——— ———.

Mr. STAFFORD. Now, in that connection, having read these files very carefully and closely, I will ask you to look at your letter dated June 4, to Mr. McDermott, No. 4376, in which you say that you received a letter from Mr. J. H. McMichael, dated May 31, "which I suppose was authorized by you," and ask you where is that letter of Mr. McMichael, dated May 31?

Mr. MULHALL (examining paper). The letter of May '31; you want to know where the letter is?

Mr. STAFFORD. Yes.

Mr. MULHALL. It ought to be in this print.

Mr. STAFFORD. I have examined the print very carefully on that matter and can not find it. Will you, after this hearing, take time and try to present that letter, which I regard as the most important letter in this investigation, as it is supposed to be the basis of your severance of relations between Mr. McDermott and yourself.

Mr. MULHALL. I certainly will take all the pains possible. I will be anxious to do so.

Mr. STAFFORD. I would also like to ask your attorney if he will be kind enough to make a search of the New York World files and try to present that envelope.

Mr. CRIM. If I can assist you in any way, I will be glad to do it.

Mr. MULHALL. You might give me permission again to go to the Senate Office Building, because you sent over there twice yesterday, and I called the committee's attention to the transaction about turning over those lists or anything like that, and they had no hesitation in finding it. When I was over there I found a lot of scraps and pictures of mine, and if the envelope has not been printed, it might be over there.

Mr. STAFFORD. If the envelope has not been printed, I would be glad to get it.

Mr. MULHALL. I certainly would be glad to get it; it is an important factor now. And I certainly feel that I can get it, because it went astray since the time it left my hands. If it has not gone astray, maybe I can find it.

The CHAIRMAN. I want to invite your attention to No. 4750–4751—but let me ask you this question before I do that. Your primary, if not your sole, purpose in going to Chicago was to raise campaign funds, was it?

Mr. MULHALL. No, sir; my sole purpose in going to Chicago was to try to renominate Mr. McDermott with the aid of campaign funds.

The CHAIRMAN. And as an incident to that your principal work was to be the raising of campaign funds?

Mr. MULHALL. No, sir; I thought my principal work was getting the manufacturers active.

The CHAIRMAN. Not only in the way of contributing money, but in exerting their personal influence?

Mr. MULHALL. Yes, sir; I said I made four trips to Mr. Kimball to ask him to exert his personal influence among his people, to exert his personal influence among his men, to exert his influence among his foremen, to have them instructed to help Mr. McDermott in his primaries, and every manufacturer that I went to.

The CHAIRMAN. So that your collecting of campaign funds, then, was one of the incidents of your service and not the primary purpose?

Mr. MULHALL. Yes, sir; it was one of the incidents. I thought the work I did among the manufacturers was more important than raising the funds.

The CHAIRMAN. Now I invite your attention to letter No. 4750–4751. There is just one matter in there that I wish to quote from.

Mr. CRIM. No. 4750–4751?

The CHAIRMAN. Yes; I will quote one thing from that letter: "Mr. McDermott came in this morning and asked me if I knew where you were." Well, that seems to be just a fragment; this is a carbon copy of a fragment—No. 4750–4751; it seems to have no date. I will ask you if from an examination of that fragment which is there if you can state what it is, and if you will look over also No. 4752; that may or may not aid you in explaining it.

Mr. MULHALL (examining paper). I would only state, Mr. Chairman, that they are fragments of two letters from Mr. McMichael.

The CHAIRMAN. You think they are letters from Mr. McMichael—both of them—do you?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. I did not know whether No. 4752 might have been a part of No. 4751 or whether they were two letters.

Mr. MULHALL. It does not look to me as if it was. I think they are fragments of two letters.

The CHAIRMAN. I want to call your attention to No. 4751, which says: "McD. came in this morning and asked me if I knew where you were; I told him that I thought you were in Chicago and expected to hear from you soon. Things look fine for him, only he wants you to get a little money between now and April for him. Let me know when I can expect to see you over here again.

"Would be good if you could write me a letter stating you had made arrangements to see Roger Sullivan, Democratic boss of Chicago, in M.'s behalf, and do so if you can."

Does that read "Will be glad" or "Will be good"?

Mr. WILLIS. It says "good."

The CHAIRMAN. Yes; the letter appears in 4750 and 4751—"Would be good if you could write me a letter stating you had made arrangements to see Roger Sullivan, Democratic boss of Chicago, in M.'s behalf, and do so if you can."

Mr. MULHALL. Well, we attempted to see Roger Sullivan when we were in Chicago, Mr. Fleming and I. Mr. Fleming went into his office and I was to go with him, and he had an interview with Sullivan and I declined to see the gentleman afterwards.

The CHAIRMAN. Well, I wanted to ask just what the significance of this is; this letter was written prior to the time of your going to Chicago?

Mr. MULHALL. Yes, sir. I do not understand the letter. I do not understand what he is writing about Roger Sullivan for. I did not know that he knew Roger.

The CHAIRMAN. Possibly he did not know him personally; but he might have known of him; he was a pretty well-known character.

Mr. MULHALL. Yes, sir; and I was very anxious to get—I had a very large home, and I was very anxious to get a lot of those gentlemen out there so that I might straighten out matters in a general way. I thought I would get Mr. McMichael and Mr. McDermott over to my home so that we could have a thorough understanding about the Chicago incident; but I never was able to do so.

Mr. WILLIS. Did you, as a matter of fact, see Roger Sullivan?

Mr. MULHALL. No, sir; I did not see him myself. Mr. Fleming told me about it when he went into his office; he saw him.

The CHAIRMAN. When you speak of trying to get the gentlemen into your home, do you mean during the Baltimore convention, in June?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Well, that could have had no reference, then, to this McDermott campaign?

Mr. MULHALL. No, sir; I do not believe it could. That was in June.

The CHAIRMAN. That is, you were not trying to see Mr. Roger Sullivan in June in order to help Mr. McDermott in any way, were you? It had no connection with that, did it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. This states here "Mr. McD. came in this morning and asked me if I knew where you were? I told him that I thought you were in Chicago and expected to hear from you soon. Things look fine for him, only he wants you to get a little money between now and April for him." Now that letter——

Mr. MULHALL (interposing). I think Mr. McMichael could explain that better than I could, because he had so many schemes about that—for Mr. McDermott's success—and he was so interested in it that he might be able to explain that letter.

The CHAIRMAN. All right. Now, I want to call your attention to No. 4355, which appears to be a letter from Mr. McMichael, written to you under date of February 12, 1912, in which it is stated:

This letter will about reach you on your return from Pa. If you can make arrangements to come over here one day this week, I have had a long talk with Mc. and from what I can understand we can get the money to go to Chicago for him, as he is going to N. Y. and see McD. over there, and on his return we will be all right.

I will ask you just there, before reading further, had you and Mr. McMichael discussed together the proposition of getting enough money to go out there, both of you, to participate in that campaign?

Mr. MULHALL. Mr. McMichael wanted to go: yes, sir; and he talked with me all winter about going—and this "McD." that he mentions is Mr. McDermott, of the brewers' association.

The CHAIRMAN. You think that has reference to the New York McDermott, of the brewers' association?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. "There is no need of our saying anything to him in regard to our talking to Ward in the Senate, as I explained this to him in this way"—I call your special attention to this—"We were over there." Did he explain this: "There is no need of saying anything to him"?

Mr. MULHALL. I suppose that means Mr. McDermott—I suppose that means him.

The CHAIRMAN. "In regard to our talk to Ward in the Senate, as I explained this to him in this way."

Mr. RUSSELL. Who was Mr. Ward?

Mr. MULHALL. Lorimer's secretary, I think.

The CHAIRMAN. The subject of this was those affidavits you referred to yesterday?

Mr. MULHALL. Well, if you will let me read the letter——

The CHAIRMAN. Well, "We were over there and had a talk but did not do anything in the matter, only wanted to see what he would

say. Did not say anything about the papers we left there, as it is best not. I am having h—— again over here, and from what I can understand they are going to change me again, as Lloyd told Mc. that he was going to put me on an elevator, as the Committee of Accounts, that have charge of me, had decided on this some time ago. There is no need of saying anything until after the primaries in April, then we will have some h——. There is no chance of taking the matters we spoke of to the newspapers in N. Y. until after we get some money in Chicago, and after the fight, because if we start anything until then it will put us on the bum for getting anything in Chicago.

"Think the matter over and let me hear from you, or better still, come over and let us talk this thing over, and I know we can come to some arrangement whereby we all get what we are after."

Mr. MULHALL. I think I would ask the chairman to let Mr. McMichael explain that—it is one of his——

The CHAIRMAN. Of course, that is true, it is one of his letters.

Mr. MULHALL. Yes, sir.

The CHAIRMAN. But there are one or two questions—I will not ask you to undertake to give an explanation of what was in his mind, and so on—but there are one or two references here that I think you might know something about. Along toward the last of the letter, it says: "There is no chance of taking the matters we spoke of"—which would indicate you and he had had a talk about some matter—"to the newspapers, until after we got the money in Chicago, and after the fight, because if we start anything until then it will put us on the bum for getting anything in Chicago." What matters had you and Mr. McMichael spoken of?

Mr. MULHALL. That is what I do not understand, as I said, and would like to have an explanation from Mr. McMichael. I do not quite understand that, or what he was talking about.

The CHAIRMAN. Do you say that you and he had not had any talk about taking any matters of any kind to the newspapers?

Mr. MULHALL. Not that I remember, unless it was the matter of those affidavits Mr. McDermott had. I was anxious to get those affidavits back, and was anxious to have them used—in a certain sense.

The CHAIRMAN. Did you ever talk with Mr. McMichael about this time concerning the matter of disposing of these papers to some newspaper—I mean all these papers that you actually did dispose of to the New York World?

Mr. MULHALL. I believe the only thing I did have with Mr. McMichael that he understood about was my talk with Mr. Gompers. He was fully aware of that, because Mr. McDermott arranged those two meetings at Dr. Evans's house, and also the meeting at Mr. Ralston's office, and he understood that, and I do not know that I ever had any talk with him about any papers outside of those affidavits that I know of.

The CHAIRMAN. You never had any talk with him about disposing of these papers to the New York World or any other paper?

Mr. MULHALL. No, sir; I do not believe I had any talk at that time with Mr. McMichael. In fact I would be prepared to say I did not, because I did not know what was in my files. I did not commence to go through my files until about 19—I did not know if the files

were worth anything; I think the first impression that I got was when Mr. McDermott got them, after I left the organization—as to the value of the files.

The CHAIRMAN. This was after you left the organization?

Mr. MULHALL. I could not explain his letter, Mr. Chairman.

The CHAIRMAN. All right. If you do not understand it, of course there is no use questioning you about that. But he seemed to say—or he continues "think the matter over and let me hear from you, or, better still, come over and let us talk this thing over." Now, I want to call your attention to a letter——

Mr. FERRIS (interposing). Before passing to that, Mr. Chairman, let me inquire about another matter, as I have not been here all the time. What part has Ward played in this; has that been developed?

The CHAIRMAN. Mr. McMichael testified who Ward was. Do you know anything about Mr. Ward?

Mr. MULHALL. No, sir; I only know that I was—I think it was at the solicitation of Mr. Hines, of the Hines Lumber Co., of Chicago, that I turned those affidavits over to Ward.

The CHAIRMAN. Those were the affidavits that were made by somebody when you were in the secret service?

Mr. MULHALL. The secret service; yes, sir.

The CHAIRMAN. Relative to William Burns?

Mr. MULHALL. Yes, sir; made by Mr. William Burns.

The CHAIRMAN. And Ward you did not know?

Mr. MULHALL. I met Ward altogether on two occasions. As I believe, I went over with Mr. McMichael, and he introduced me to Ward, and he handed Ward the papers; and again, I believe, when the investigation was over, I asked Mr. Ward, after he had used the affidavits, if I could get them back; he said he did not know whether he could reach them at that time, and I instructed him when he was through with them to give them to Mr. McMichael.

The CHAIRMAN. What was Mr. Ward doing at that time?

Mr. MULHALL. He was very busy with the Lorimer matter at that time.

The CHAIRMAN. Do you know what his connection with Mr. Lorimer at that time was?

Mr. MULHALL. He was Mr. Lorimer's secretary, as I understood.

Mr. STAFFORD. I would like to ask you how many times was Mr. McDermott over at your home in Baltimore in company with Mr. McMichael?

Mr. MULHALL. I am not over sure if it was only once, the Sunday that he came over to look at those papers, Mr. Stafford—one time; once.

Mr. STAFFORD. Did you have, at any prior time, a talk with him or correspondence with Mr. McMichael concerning his coming over there for any other purpose?

Mr. MULHALL. I think the correspondence will explain that. I am not sure of that.

Mr. STAFFORD. So that the sole purpose for which Mr. McDermott was to come over and visit you in Baltimore was to examine those files?

Mr. MULHALL. I do not know whether that was the sole purpose, or just came over and visited me and had dinner with me, or some-

thing like that; but I know they talked with me about coming over and looking over the letters and papers; and I said if he would come over there I would show them to him.

Mr. STAFFORD. I call to your attention what purports to be a telegram, No. 4358, which follows No. 4355, which is as follows. It rather may explain the letter that you are not certain about. It is as follows:

WASHINGTON, *D. C., February, 17, 1912.*

Col. M. M. MULHALL,
3933 Old York Road, Baltimore, Md.:
Will leave here 10 to-morrow morning with Mc.

I. H. MCMICHAEL.

Is that the telegram saying that he and Mr. McDermott would come over to visit you?

Mr. MULHALL. If it was Sunday, February 17—if it was Sunday, maybe it was, because I know they did make engagements with me at different times when they did not see me.

Mr. STAFFORD. Was that about the time you were considering going over with him the correspondence?

Mr. MULHALL. I would not be sure of that.

Mr. RUSSELL. Did you get telephone messages from Mr. McDermott or Mr. McMichael at any time on either occasion?

Mr. MULHALL. I frequently got messages from Mr. McMichael.

Mr. RUSSELL. What is the number of your telephone over there?

Mr. MULHALL. No. 5249, Madison.

Mr. RUSSELL. That is all.

The CHAIRMAN. These messages that you would get from Mr. McMichael by telephone would they be "collect" messages or would they be paid at this end?

Mr. MULHALL. As a rule they would be paid at this end.

The CHAIRMAN. Where would he telephone you from?

Mr. MULHALL. Well, I could not just say. I know he has telephoned from Fritz Reuter's at different times—or he has told me he had. That is where he was telephoning from.

The CHAIRMAN. Do you know whether he ever telephoned you from the Capitol here?

Mr. MULHALL. I could not say that.

The CHAIRMAN. Or from Mr. McDermott's office?

Mr. MULHALL. I could not say that.

The CHAIRMAN. You do not know?

Mr. MULHALL. No, sir; I do not know.

The CHAIRMAN. Did you ever call him from the Capitol—I mean out of town—from either the Capitol or Mr. McDermott's office?

Mr. MULHALL. I have called Mr. McMichael from my home to the House Office Builing here, to Mr. McDermott's room.

The CHAIRMAN. Did you ever have any telephone calls from or to Mr. McDermott that you remember?

Mr. MULHALL. I am not clear on that subject; but I should judge from our acquaintance that maybe I might have had some.

The CHAIRMAN. I mean especially any out-of-town calls, do you remember?

Mr. MULHALL. No, sir; no long-distance calls that I know of or that I remember now.

Mr. STAFFORD. Fix the date in your mind when Mr. McDermott called on you at Baltimore, in company with Mr. McMichael, to examine your files. I will ask you whether it was before or after the primary campaign in the spring of 1912 of Mr. McDermott's?

Mr. MULHALL. I believe it was before the campaign, a long time before.

Mr. STAFFORD. A long time before?

Mr. MULHALL. Yes, sir; because I know they did not come over there after the campaign.

Mr. STAFFORD. Yes. You left for Chicago for his campaign in April or March?

Mr. MULHALL. I believe I have testified that I left there on March 26.

Mr. STAFFORD. On March 26?

Mr. WILLIS. Who told you that Mr. John McDermott had made this contribution of $2,000 to Congressman McDermott's campaign fund?

Mr. MULHALL. Mr. McMichael was the first one; Mr. McDermott himself was the second one; John A. McDermott, the general field agent in charge of the organization bureau of the brewers, was the third one; and Mr. Fleming was the fourth one.

Mr. WILLIS. Which campaign was this?

Mr. MULHALL. They helped him in this campaign of 1910, as I understood it, for work that he did here previous to that in Washington.

Mr. WILLIS. You do not know whether the same parties, or Mr. John McDermott, made a contribution to the campaign of 1912?

Mr. MULHALL. I have already testified in that respect, Mr. Willis, that I know he did not. He said between the two men he had no choice between Mr. McInerney and Mr. McDermott himself.

The CHAIRMAN. Mr. Mulhall, have you stated now all that is within your knowledge of the activities and actions of Mr. McDermott, touching legislative matters in which the National Association of Manufacturers was interested?

Mr. MULHALL. I should say from my direct testimony and my letters that I have, if the letters are all read and in the hands of the committee. I should say I have.

The CHAIRMAN. So far as I know, all letters that bear upon this subject have been read. I think, so far as the committee's examination in respect to the Mr. McDermott phase of this matter is concerned, that we are through, Mr. Easby-Smith.

Mr. MULHALL. Mr. Chairman, it is 1 o'clock. Can I ask to be excused for the balance of the week?

The CHAIRMAN. I thought, Colonel, if it was possible we would run until 1.30.

Mr. MULHALL. I would rather commence with Mr. Easby-Smith when I am in better shape than at present. I am not afraid of the gentleman at all. I would like to accommodate him as far as I could, but as the chairman said he did not want to go too far, and I have instructions not to go too far, I would like to have a little rest.

The CHAIRMAN. It is not possible to get through with the cross-examination in half an hour, is it, Mr. Easby-Smith?

Mr. EASBY-SMITH. I could not possibly, Mr. Chairman.

Mr. MULHALL. I would like for the gentleman to go as far as he could.

Mr. EASBY-SMITH. I might say this to the committee: It is possible that by having an interval I might very materially reduce the length of my cross-examination by going thoroughly over my notes and eliminating many of them, and it might be in the interest of economy of time that the cross-examination be deferred and, in the interim, I suppose Mr. Mulhall would have ample time to produce the documents he said he had.

Mr. MULHALL. I do not know of only one document, the document which Mr. Stafford asked for, and that envelope. I shall be glad to get those.

Mr. WILLIS. Before the witness is excused I would like to remind him again to bring the information as to the person through whom the key to this room was obtained.

Mr. MULHALL. I have that information. I made some inquiries, and I made some notes and brought them with me, but I had forgot to mention that, however.

Mr. WILLIS. Will you mention that fact now, briefly?

Mr. MULHALL. I believe I can. [After a pause.] I believe I must have left them in my room, Mr. Willis. I thought I had them with me.

Mr. WILLIS. It is perfectly satisfactory if you will bring them at some subsequent time, just so that matter is cleared up. Will you bring them at some subsequent time?

Mr. MULHALL. Yes, sir. I have some notes I made, but if the committee will let me testify, I find I can almost say I know where the keys came from. Mr. Rothermel, if I remember the name right, occupied that room before Mr. McDermott had it.

Mr. WILLIS. Are you positive, after refreshing your memory, that Mr. Rodenberg had nothing to do with it?

Mr. MULHALL. I was told it was Mr. Rothermel's room before Mr. McDermott had it, and the supposition was he got the keys from Mr. Rothermel.

Mr. WILLIS. Do you know whether Mr. Rodenberg was friendly or not to the N. A. M.?

Mr. MULHALL. That was in the twelfth Illinois district?

Mr. WILLIS. I do not remember the particular district. It was Mr. William A. Rodenberg.

Mr. RUSSELL. Of East St. Louis.

Mr. MULHALL. Mr. William A. Rodenberg, of East St. Louis. I know I had a request to go out into the district, out into Mr. Rodenberg's district, from a friend of his, and I wrote to St. Louis about it, and the letters in the files are very ample on that source. They did not want me to go.

Mr. WILLIS. They were not friendly to Mr. Rodenberg?

Mr. MULHALL. They gave many reasons why I should not go there at that time.

Mr. RUSSELL. It was a very strong labor district, was it not, he represented?

Mr. MULHALL. It is a large manufacturing district, and I was informed by letters from St. Louis, and the letters are here in the Senate letters, that it was largely made up of foreigners, and Mr. Rodenberg was not friendly to the legislation they wished to put through.

Mr. WILLIS. Who wished to put through?

Mr. MULHALL. That the National Association of Manufacturers wished to put through.

Mr. WILLIS. He was friendly to the labor unions?

Mr. MULHALL. It was suggested he was a very strong friend of theirs. That was the information I got from the St. Louis office, my superiors at that time, and I did not go.

Mr. WILLIS. Do you know whether the manufacturers participated in that campaign to the extent of aiding his opponent?

Mr. MULHALL. I am not sure of that at this time, Mr. Willis. I would like you to take the letters; I think they would inform you completely.

Mr. WILLIS. I have examined the letters very carefully——

Mr. MULHALL. I know there was a long correspondence back and forth on that subject, because the gentleman who asked me to go had a great deal of influence with the organization here.

The CHAIRMAN. Who was that?

Mr. MULHALL. Mr. Sherman, sir.

Mr. FERRIS. Vice President Sherman?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. I desire to place in the record at this point letter 3829. I wish the witness would refer to that.

Mr. CRIM. Of June 25, 1910?

Mr. WILLIS. That is correct. Will you state what that letter is, Mr. Mulhall?

(The witness examined the paper referred to.)

Mr. WILLIS. Are you able to identify that letter, Mr. Mulhall, from the examination you have made of it?

Mr. MULHALL. I do not want to detain you, Mr. Willis, but my counsel asked me to read it.

Mr. WILLIS. All right, go ahead; take your time.

Mr. MULHALL (after further examination of letter). Yes, sir; that is a letter I sent to Ferdinand Schwedtman, secretary of the organization. He used to be secretary to the president, but at that time was connected with the Citizens' Industrial Association.

Mr. WILLIS. I ask that that letter be inserted in the record in full at this point.

(The letter referred to is as follows:)

(3829. 3830.)

WASHINGTON, D. C., *June 25, 1910.*

MY DEAR FERDINAND: Your letter of June 15 was received a few days ago, but on account of pressure of the work here in Washington, and from outside sources as well, it has kept me on the go day and night for a long time.

I was told by Mr. Emery that you were in New York last week, and it would have afforded me great pleasure to be able to run over there to see you, but for the past week we have been having the fight of our lives, doing all we possibly could to offset the united efforts of the labor unions, as well as the united efforts of the executive officers of the American Federation of Labor, who have been here for the past 10 days pushing labor legislation with all their might.

I am very proud to write to you that the session will close this evening, and that our association has come out complete victors in this session of Congress.

I know that you are in touch with Mr. Emery, so it is not necessary for me to go into details to explain the many contests that we have won out on all winter. I want to say that I have been in politics for 30 years, and I have never in that period of time seen the labor unions so active and aggressive as they have been this winter. There is not one measure that they have been

contending for that we were opposed to that they have won out on, so it appears to me that we have been completely successful in carrying the letter to Garcia.

Our labors here this year will make necessary a lot of field work in the very near future, which I expect to start out on next Monday. There are a number of our friends who wish me to go to help out Mr. James A. Tawney, of the first Minnesota district, and there are quite a number of requests for us to help Mr. Henry S. Boutelle (Chicago), ninth Illinois district. Also some of the leaders in Congress wish us to help Mr. William A. Rodenburg (East St. Louis), twenty-second Illinois district, but on account of his vote on last Thursday in favor of the labor unions on the anti-Sherman act I am not myself inclined to render any aid to this gentleman. I am seeing some of the leaders here to-day on this subject and will let you know in the near future if we will be forced to give him any aid.

If I go to East St. Louis I hope to have the pleasure of seeing you, for so many things have occurred here this winter which I know you are interested in that I would like very much to talk with you about them.

I will close this letter hoping to have the pleasure of writing again in the very near future and hearing from you; so, closing with very best wishes, I am, as ever,

Faithfully, yours.

Mr. WILLIS. I desire to call attention particularly to the language in the paragraph down about the middle of the letter, where it says:

Also some of the leaders in Congress wish us to help Mr. William A. Rodenberg (East St. Louis), twenty-second Illinois district, but on account of his vote on last Thursday in favor of the labor unions on the anti-Sherman Act, I am not, myself, inclined to render any aid to this gentleman.

That would indicate that you were not favorable to Mr. Rodenberg in his campaign.

Mr. MULHALL. It didn't need much persuasion not to have me go there. I would like to have obliged the gentleman who wanted me to go there, but I did not feel inclined to go; and from the St. Louis office I was urged (you will find it was an answer to this), and I did not go.

Mr. WILLIS. It was your opinion that Mr. Rodenberg had voted favorable to the labor organizations, and he ought not to receive any assistance from the N. A. M.?

Mr. MULHALL. It was the opinion of the organization, Mr. Willis; not mine.

Mr. WILLIS. I refer you to letter 3832, and ask you to examine that and say what it is.

Mr. CRIM. June 27, 1910?

Mr. WILLIS. June 27, 1910; that is correct.

Mr. MULHALL (after examining paper). I believe that was the answer to the letter you have just called my attention to. That is the letter that had reference not to go out there,

Mr. WILLIS. That is from Mr. Schwedtman, secretary to the president?

Mr. MULHALL. Yes, sir; or, he was secretary to the president, but he was not at that time.

Mr. WILLIS. I desire to have that complete letter go in the record at this point.

The CHAIRMAN. It will be inserted in the record at this point.

(The letter referred to is as follows:)

THE NATIONAL COUNCIL FOR INDUSTRIAL DEFENSE.
St. Louis, June 27, 1910.

Col. M. M. MULHALL, *Baltimore, Md.*

MY DEAR MARTIN: I have before me your letter of June 25, and I am exceedingly glad to learn therefrom that you have again succeeded in defeating

our enemies in Washington. It is a great feather in your cap, and I am confident that Mr. Kirby and our other superiors and associates give you the credit that is due you for this great victory.

I note that you intend to go out in the field now. Of course you will plan your campaign carefully, and you know the inside so thoroughly that it is hardly necessary for me to make any suggestions, but considering the nearness to one of the men you mention in your program (Wm. A. Rodenberg, of Illinois) let me suggest that Mr. Rodenberg never has been a friend of ours, and has always catered to the labor-union vote in his district. I rather like Mr. Rodenberg personally, and I do not believe that anyone but a labor-union candidate could be elected in his district. The chances are that in the next election, the same as in former ones, it will be a Democratic union man against a Republican union man. There are no more decent people living in East St. Louis. They have all moved away. It is a bad place on account of the large industries which are established there, such as the American Steel Foundries, the Granite City Iron Works, etc., all employing thousands and thousands of foreigners, many of them Socialists. Maybe on account of the nearness of the district to me it looks particularly dark, but I really think any work that we may do in East St. Louis is practically wasted. This for your own information.

I hope to see you in the near future, not because I have any business to transact, but because I have not come in personal contact with you for some time. I expect to take a trip to Europe this summer. Mrs. Schwedtman and I are going to sail on the 14th of July. As I said, I hope to see you before then, either here or East.

Give my best regards to Mrs. Mulhall, and if there is anything that I can do for you or for her while I am in Europe I will be glad to attend to it.

With very best wishes, believe me,

Ever faithfully, yours, FERD. C. SCHWEDTMAN.

P. S.—Our treasurer has called my attention several times to the fact that check which I sent you in connection with bringing Mr. Sherman and others out here is still placed against my personal account because there is no report of any kind. I do not want to worry you about this, but if you could conveniently make a financial report for our treasurer I would personally appreciate it.

Mr. WILLIS. I wish to call special attention to the letter there where Mr. Schwedtman says:

* * * let me suggest that Mr. Rodenberg never has been a friend of ours, and has always catered to the labor union vote in his district.

That seems to make it quite clear that the officials of the N. A. M. were not friendly to Mr. Rodenberg.

Mr. MULHALL. From my impression I gathered that they were not, sir.

Mr. WILLIS. Do you know whether they aided his opponent in this campaign?

Mr. MULHALL. I could not say; I am not sure of that, sir. I remember what I did.

Mr. WILLIS. Do you remember who his opponent was?

Mr. MULHALL. Not at this time, sir. I believe I had quite a correspondence on that subject, if you will find those letters.

Mr. WILLIS. But you are not sure whether they extended any assistance to his opponent?

Mr. MULHALL. No, sir; I do not remember.

I want to say to the gentleman before I leave, that I was asked last night, also by the committee, if I would name the 10 men I claimed were the leaders in this National Association of Manufacturers, and those I call virtually the ring in the entire organization that runs it, and I can give you those names if you wish it. I think Mr. Stafford asked the names, did you not?

Mr. STAFFORD. I did. I am very curious to know who were the so-called ringleaders in this matter.

Mr. MULHALL. I would say Mr. J. P. Bird, to commence with. He would come first.

Mr. FERRIS. State his address.

Mr. MULHALL. Mr. J. P. Bird, general offices, New York, N. Y. He is general manager of the National Association of Manufacturers in their offices at New York. I should judge next comes C. W. Post, of the Postum Cereal Co., at Battle Creek, Mich., well known to every labor agitator throughout the United States. I know he wrote here a short time ago and said he found in his Battle Creek plant four union men and was very much disturbed about it. Mr. David M. Parry. I know nobody needs any introduction to Mr. Parry, at least no labor man does.

Mr. FERRIS. Where does he live?

Mr. MULHALL. He lives at Indianapolis, Ind. He was president of the National Association of Manufacturers, I understand, from 1903 to 1907. I would put him third. Mr. George S. Boudinot, general offices in New York, the secretary of the organization. Mr. Ferd D. Schwedtman, of St. Louis, Mo.

Mr. WILLIS. I thought you said he was one of the good ones.

Mr. MULHALL. I said under the Van Cleave administration he was one of the greatest workers I had ever come across in my life, and one of the most conscientious men, and I said I thought Mr. Schwedtman, from 1907, was responsible for building up the organization and making it what it was.

Mr. CLINE. He is the fifth.

Mr. MULHALL. Yes; I would put him fifth.

Mr. James A. Emery, Washington, D. C., generalissimo and hot-air agent.

Mr. CRIM. Do not characterize them unless the committee asks it.

Mr. MULHALL. I am only giving my opinion.

J. Parker Nevin is next, I would say, in the New York office.

Mr. CLINE. Nevin, did you say?

Mr. MULHALL. Yes; J. Parker Nevin; F. F. Porter, the general collecting agent, and also the man that is in charge of their membership bureau.

Mr. FERRIS. Is he the man who raised all the campaign money?

Mr. MULHALL. He is the man who raised all the campaign money for the National Council of Industrial Defense and did not keep any books.

Mr. FERRIS. How long has he been connected in that capacity?

Mr. MULHALL. I should judge from nine to the present time.

Mr. FERRIS. From 1909?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Where does he live?

Mr. MULHALL. Mr. Porter is at the New York office; his address is New York City. I said Marshall Cushing, of New York, although he is not a member of the organization. I believe Mr. Cushing's work, from 1903 to 1907—he did everything he possibly could, and was one of the best politicians the organization ever had.

John Kirby, jr., I would put last; the man Mr. Miles testified stole a letter, and said he was not fit to be president of the organization, in the contest between Mr. Kirby and Mr. Van Cleave in 1909.

Those are the 10 gentlemen I name, Mr. Stafford.

Mr. CLINE. What is Mr. Kirby's address?

Mr. MULHALL. Dayton, Ohio. I will state to the committee if they can get 50 decent manufacturers to come here and back them up when the game is exposed I will go out of business.

Mr. EASBY-SMITH. Mr. Chairman, may I ask the committee to remind the witness that he said that he would go to the Senate and endeavor to find these notes from Mr. McMichael, and I also asked that he endeavor to locate that envelope and bring or point out those papers.

The CHAIRMAN. He just stated he would do that.

Mr. EASBY-SMITH. Yes; and also bring the pawn ticket which he offered to bring.

Mr. MULHALL. If I can find it, my dear sir; and I think I can. I very seldom keep such documents.

The CHAIRMAN. All right, Mr. Mulhall; you may be excused until Monday at 10 o'clock.

TESTIMONY OF MISS HARRIOTT G. DALEY.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Judge Russell, will you conduct the examination?

Mr. RUSSELL. Please state your name.

Miss DALEY. Harriott G. Daley.

Mr. RUSSELL. Where do you live?

Miss DALEY. In Washington.

Mr. RUSSELL. How long have you resided here?

Miss DALEY. About 15 years.

Mr. RUSSELL. What is your position now?

Miss DALEY. Chief operator of the United States Capitol.

Mr. RUSSELL. How long have you had that position?

Miss DALEY. About 15 years.

Mr. RUSSELL. In that place, is it your duty to make out accounts for long-distance phone calls?

Miss DALEY. Yes.

Mr. RUSSELL. Will you look at the paper which I hand you and state whose handwriting it is in [handing paper to witness]?

Miss DALEY (after examining paper). That is mine.

Mr. RUSSELL. I will ask you to state where a name is spelled there, to whom a telephone message is sent, and there are dots under it, what does that mean?

Miss DALEY. It means ditto.

Mr. RUSSELL. It means the same name?

Miss DALEY. It means the same name.

Mr. RUSSELL. I notice the name of Mulhall there on 10 or 12 occasions; as messages sent to him.

Miss DALEY. Yes.

Mr. RUSSELL. Can you tell, from that account, from what office those messages were sent or from what telephone?

Miss DALEY. Why, yes; it was sent from 624, branch 624, of the Capitol.

Mr. RUSSELL. Whose telephone number was that?

Miss DALEY. Mr. McDermott's.

Mr. RUSSELL. Who sent the most of those messages, or probably all of them, to Mr. Mulhall, as it appears there?

Miss DALEY. Most of them appear under McMichael.

Mr. RUSSELL. I will ask you to state if there are any messages sent to "Mulhall" in that account that were not sent from that office.

Miss DALEY. I do not quite get that.

Mr. RUSSELL. Were any of the messages sent——

Miss DALEY. Yes; they were.

Mr. RUSSELL. Where were they sent from?

Miss DALEY. From the Democratic cloakroom.

Mr. RUSSELL. How many were sent from the Democratic cloakroom?

Miss DALEY. To Mulhall, there seem to be three—three from the Democratic cloakroom and there was one from the Press Gallery to Madison 1643. I do not know under what name that telephone is.

Mr. RUSSELL. What is that number?

Miss DALEY. Madison 1643.

Mr. RUSSELL. What city?

Miss DALEY. Baltimore.

Mr. RUSSELL. To whom were all of those messages charged?

Miss DALEY. They were charged to Mr. McDermott, branch 624.

Mr. RUSSELL. Although sent by Mr. McMichael?

Miss DALEY. Well, we usually charge them to the phone they are sent from, to that number, and then if there is any change to be made we make the change.

Mr. RUSSELL. These that were sent from the press gallery and the cloakroom by McMichael; how did it happen they were charged to Mr. McDermott?

Miss DALEY. Simply because Mr. McMichael was usually connected with Mr. McDermott's room and they were charged up accordingly, and usually they tell them at the cloakroom, don't you know. We take that and put the name on the call bills.

Mr. RUSSELL. You see some messages on there that were sent by Mr. McDermott, do you?

Miss DALEY. Yes.

Mr. RUSSELL. But none, I think, to Col. Mulhall?

Miss DALEY. No.

Mr. RUSSELL. You made out that account to be presented for payment, did you?

Miss DALEY. Yes.

Mr. RUSSELL. State who collected that; if it was paid?

Miss DALEY. Well, it is customary to send the bills monthly. When they are not paid, after a certain length of time, they are given over to the company, the Chesapeake & Potomac Telephone Co., and they are collected there. This was evidently collected there.

Mr. RUSSELL. It shows it has been paid?

Miss DALEY. Yes; it shows it has been paid.

Mr. RUSSELL. But it was not paid to you?

Miss DALEY. Not to me.

Mr. RUSSELL. I believe that is all.

Mr. CLINE. Do you know who it was paid by, yourself?

Miss DALEY. No; I do not. I know that copy was sent to me marked "paid."

Mr. RUSSELL. But the account was made out against Mr. McDermott?

Miss DALEY. Yes.

Mr. RUSSELL. Did you ever present it to him?

Miss DALEY. I have never presented it to him personally. I have sent it to him.

Mr. CLINE. Did you have any instruction from McDermott to charge telephone calls, sent by McMichael, to him?

Miss DALEY. No; I never have, except that telephone has been used constantly by McMichael, and the calls have always been charged to him.

Mr. RUSSELL. That is all.

Mr. CLINE. Do you know what phone No. 5294 is?

Miss DALEY. No; I do not know. When a number is asked for, we simply get the number.

Mr. CLINE. You do not know who Madison 5294 is?

Miss DALEY. No; I do not know whose phone that is.

Mr. CLINE. That is in Baltimore?

Miss DALEY. In Baltimore.

Mr. RUSSELL. I notice that you have that call to Madison spelled M-a-d. Does that signify Madison?

Miss DALEY. Yes; Madison. It was just abbreviated.

Mr. STAFFORD. Is this your handwriting, Miss Daley?

Miss DALEY. Yes.

Mr. STAFFORD. At the time you get a call over long distance do you put down the person who is called for and the office?

Miss DALEY. We make a ticket of the branch and the calling party and who they are calling. For every call that leaves the Capitol a ticket is made.

Mr. STAFFORD. This purports to be for calls from March 2, 1911, the first call, to March 22, 1912, the last call. The first call is McDermott to Perry, at New York, six minutes, $2.45. You have no memoranda whereby you could more specifically identify who that Perry is?

Miss DALEY. No; I have not. I only call for the party that is asked for.

Mr. EASBY-SMITH. I think I understood you correctly, Miss Daley, to say that none of these telephone messages to Mr. Mulhall were sent by Mr. McDermott?

Miss DALEY. No; they seem to be entirely under Mr. McMichael's name.

Mr. EASBY-SMITH. Miss Daley, will you state the sort of bill which you send at the end of each month?

Miss DALEY. Similar——

Mr. EASBY-SMITH. This was not——

Miss DALEY. No; that is simply a carbon copy. There are two copies made. That is a carbon, and then there is an original copy sent to the Member.

Mr. EASBY-SMITH. Yes. Now, this appears to cover, as has been pointed out, from March 2, 1911, to March 22, 1912. These bills were rendered monthly, were they?

Miss DALEY. Monthly.

Mr. EASBY-SMITH. And of course if, as appears here, in the month of March, 1911, there was one telephone message from Mr. McDer-

mott to Mr. Perry in New York, when he got his bill for March it would only be for that one item?

Miss DALEY. Only for the item for that month. As it grows each item is added.

Mr. EASBY-SMITH. And that is the permanent record which you kept?

Miss DALEY. That is the permanent record which I kept.

Mr. EASBY-SMITH. And the carbon is simply a carbon of each month, showing the single or two or three calls, and that is sent to the Members?

Miss DALEY. Yes.

Mr. CLINE. You do not keep any record of the paid messages?

Miss DALEY. No; not when they are paid; only when they are charged.

The CHAIRMAN. This will be marked "Exhibit No. 1, Miss Daley."

(The paper referred to is as follows:)

MISS DALEY—EXHIBIT No. 1.

Statement Hon. McDermott to The Chesapeake and Potomac Telephone Co., Dr.

[For foreign messages account telephone No. 624 during the month of ——, 1912.]

Date.	From—	To—	At—	Time, minutes.	Amounts.	Messenger.
1911						
Mar. 2	McDermott	Perry	N. Y.	6	$2.45	
June 8	White	16-11	Laurel	3	.15	
9	McMichael	Mulhall	Balto	5	.50	2690 M.
16	do	do	do	3	.30	2690 M.
17	do	do	do	3	.30	2690 M.
July 5	McDermott	Topping	Bridgeport	3	1.50	2690 M.
12	McMichael	Mad. 1643	Balto	3	.30	1246 M.
26	do	Mulhall	do	3	.30	
Aug. 8	McDermott	Allen	Atlantic City	3	1.25	2690 M.
19	do	Murphy	Milford	3	1.50	2690 M.
Sept. 28	McMichael	Mulhall	Balto	6	.60	
Nov. 5	do	Mad. 5294	do	3	.30	
15	McDermott	Isaacs	Annap	3	.25 .10	
Dec. 21	McMichael	Mulhall	Balto	8	.80	2690.
1912						
Jan. 23	McMichael	P. O	Riverdale	2	.10	
28	do	Mad. 1643	Balto	3	.30	
Feb. 3	do	Mulhall	do	5	.50	
15	do	do	do	3	.30	
15	do	Mad. 5294	do	3	.30	
25	do	do	do	3	.30	
Mar. 1	do	do	do	5	.50	
15	do	Mulhall	do	4	.40	
22	do	do	do	3	.30	
					(13.75) 13.70	

Left bill.
Paid March 3, 1913.

The CHAIRMAN. The committee desires to have a brief executive session. We will reassemble at 2.30 this afternoon.

(Thereupon, at 1.10 o'clock p. m., the committee went into executive session, at the conclusion of which a recess was taken until 2.30 o'clock, p. m.)

AFTER RECESS.

At the expiration of the recess the committee reassembled.

TESTIMONY OF HUGH F. HARVEY.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. State your full name, please, to the reporter.

Mr. HARVEY. Hugh F. Harvey.

The CHAIRMAN. Your age?

Mr. HARVEY. 46.

The CHAIRMAN. Your residence?

Mr. HARVEY. 2006 Pennsylvania Avenue?

The CHAIRMAN. In Washington, D. C.?

Mr. HARVEY. Washington, D. C.

The CHAIRMAN. What is your business, Mr. Harvey?

Mr. HARVEY. Retail liquor dealer.

The CHAIRMAN. How long have you been so engaged?

Mr. HARVEY. I think about 16 years where I am.

The CHAIRMAN. Where is your place of business?

Mr. HARVEY. On Pennsylvania Avenue right near the corner of Twentieth Street.

The CHAIRMAN. Mr. Harvey, have the liquor dealers of the city of Washington, District of Columbia, an organization of any character?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. What is it?

Mr. HARVEY. The retail liquor dealer's organization, known as The Federation of Liquor Dealers of the District of Columbia.

The CHAIRMAN. Have the wholesale dealers also an organization?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Independent of the retail dealers?

Mr. HARVEY. A separate organization.

The CHAIRMAN. What is the character of that?

Mr. HARVEY. Well, it is on the same order as the retailers—for the protection of the business and mutual welfare.

The CHAIRMAN. Just what is the purpose of the retail liquor dealer's organization—the federation that you refer to?

Mr. HARVEY. Well, it is organized for the purpose of getting all of the men in the retail liquor business who have a license into an organization for the mutual advantage of its members, primarily to observe the law, to do everything possible to preserve the character of the business to such an extent that the least question, or the least fault, could not be found by those who are opposed to it on general principles.

The CHAIRMAN. Do you, in connection with your business, have any other business, any restaurant, or anything of that sort?

Mr. HARVEY. No, sir.

The CHAIRMAN. Do you hold any official position with this organization?

Mr. HARVEY. I am a member of the executive board of the Federation of Liquor Dealers.

The CHAIRMAN. How long have you been a member?

Mr. HARVEY. Well, practically ever since I joined it, perhaps 15 years ago.

The CHAIRMAN. Have you held any other official position?

Mr. HARVEY. I was president at one time; not now.

The CHAIRMAN. For how long?

Mr. HARVEY. Five or six years; five years, anyhow.

The CHAIRMAN. When did you retire from the presidency?

Mr. HARVEY. Seven or eight years ago.

The CHAIRMAN. Who is president now?

Mr. HARVEY. Mr. W. D. Barry.

The CHAIRMAN. How long has he been president?

Mr. HARVEY. He has been president since the last election, in January or November—November. He had been president prior to that and then was out for a term and then was reelected.

The CHAIRMAN. How long is the term?

Mr. HARVEY. One year.

The CHAIRMAN. Who was his immediate predecessor?

Mr. HARVEY. Mr. Walter Costello.

The CHAIRMAN. Do you remember how long Mr. Costello served?

Mr. HARVEY. One year.

The CHAIRMAN. Who succeeded you, Mr. Harvey?

Mr. HARVEY. I think Meyer Fisher; now, I would not be positive about it, but I think it was Meyer Fisher who succeeded me—a saloonkeeper here.

The CHAIRMAN. I presume your organization has taken some interest in legislation, as it arose?

Mr. HARVEY. Very much interest in it.

The CHAIRMAN. Within the last two years, if I remember correctly, there has been considerable agitation in connection with what is commonly known as the excise bill, which was finally passed as a rider to the District appropriation bill. It was in February last, I think, when it passed as a rider to the District appropriation bill.

Mr. HARVEY. I think likely it became a law very near the last day of the session.

The CHAIRMAN. It was passed as a rider to the District appropriation bill in the last session of the Sixty-second Congress.

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Prior to that time this legislation in different forms had been pending as an independent matter proposed in bills before the District committees of the two Houses, had it not? Do you remember about how long that character of bill had been pending?

Mr. HARVEY. Well, if my recollection serves me right, Senator Jones introduced a bill in the Senate in the early part of the Sixty-second Congress. Senator Works also introduced one; I do not know exactly what time, but it was in the early part of the Congress.

The CHAIRMAN. There were also bills in the House, or a bill, was there not? Or do you remember how that was?

Mr. HARVEY. Well, the bill the Senate passed after a hearing—the Senate gave hearings on these various bills, and after the hearings I think the committee whipped into shape one bill from the several bills and reported it to the Senate, and it passed.

The CHAIRMAN. It passed the Senate and came to the House and was referred to the District Committee?

Mr. HARVEY. Yes; I think that is the course.

The CHAIRMAN. Do you remember about what time that passed the Senate in that form?

Mr. HARVEY. Why, it seems it was in April——

The CHAIRMAN. 1912?

Mr. HARVEY. April of 1912, I think; yes. Yes; I think it was April, 1912.

The CHAIRMAN. Well, Mr. Harvey, just what interest did your organization to which you have referred take in that legislation? I mean to say what did they do about it?

Mr. HARVEY. Everything in the world that they could do to show anybody that had any interest in it that we did not think it was a proper law; that the law we were operating under, in our opinion, was a very good one.

The CHAIRMAN. Your view of the original Jones-Works bill, as it was called when it passed the Senate, was that it was almost, if not quite, an absolute prohibition measure?

Mr. HARVEY. It would have been practically that; that is, I mean by that, perhaps there would have been in the neighborhood of less than 15 retail establishments. There would have been some hotels and clubs here.

The CHAIRMAN. You say there were hearings before the Senate committee?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Was your organization represented at those hearings?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. And arguments made by representatives?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Who made those arguments?

Mr. HARVEY. I had charge of the hearings for the Federation of Liquor Dealers at that time and I presented an argument in my own way from a practical standpoint, and Senator Thurston also was there as attorney for the association.

The CHAIRMAN. Ex-Senator Thurston?

Mr. HARVEY. Ex-Senator Thurston, of Nebraska.

The CHAIRMAN. Did you have any other representative there that made arguments?

Mr. HARVEY. Oh, yes; there were a number. We had a great many people there. We had men who opposed that particular legislation. We had, I think, a couple of Catholic priests. We had some people from the labor organizations who were sent there; and a number of business men spoke against the bill; and a number of resolutions were presented from various bodies opposing the legislation.

The CHAIRMAN. How many paid representatives did you have there, Mr. Harvey?

Mr. HARVEY. What do you mean by that, Mr. Garrett?

The CHAIRMAN. That you yourself paid for their services?

Mr. HARVEY. You mean the association?

The CHAIRMAN. Yes.

Mr. HARVEY. Ex-Senator Thurston was the only one that was employed.

The CHAIRMAN. The only one who received any compensation?

Mr. HARVEY. Yes, sir; from the association.

The CHAIRMAN. Do you know whether any individuals were employed—any counsel or other persons—to present arguments? Whether there were any employments independent of the organization?

Mr. HARVEY. That I do not know.

The CHAIRMAN. You do not know how that is?

Mr. HARVEY. No.

The CHAIRMAN. You did not yourself have anyone employed at your personal expense?

Mr. HARVEY. I did not.

The CHAIRMAN. You never had any hearings before the House committee on the subject, did you?

Mr. HARVEY. No, sir.

The CHAIRMAN. Did you raise a fund to contest this matter, Mr. Harvey; did you raise any fund from among the members for use in connection with this matter?

Mr. HARVEY. No; we have regular dues paid into the organization that pay the expenses of conducting the organization.

The CHAIRMAN. And there was nothing except the regular dues that were paid in? How many members have you in your organization?

Mr. HARVEY. We had at that time—I do not know; I could not say at that time.

The CHAIRMAN. Approximately?

Mr. HARVEY. We had an average, I suppose, of 300 members.

The CHAIRMAN. What are the annual dues?

Mr. HARVEY. $2.50 a month.

The CHAIRMAN. That is $30 a year?

Mr. HARVEY. $30 a year. When I say 300 members, anyone that knows anything about the average liquor men knows that they are in and out of the organization. They drop down many times, I suppose, to 200, and then committees will go out and try to get them back into the ranks and build up the organization, but it varies up and down.

The CHAIRMAN. Do any of the officers of the organization receive salaries?

Mr. HARVEY. I think the secretary and treasurer do.

The CHAIRMAN. Is that one person?

Mr. HARVEY. No. The treasurer receives a sufficient amount to bond him, I guess, and I do not know what the secretary gets.

The CHAIRMAN. Who is secretary at this time?

Mr. HARVEY. Of the Federation of Liquor Dealers?

The CHAIRMAN. Yes, sir.

Mr. HARVEY. Mr. W. J. Tharp.

The CHAIRMAN. Who is the treasurer?

Mr. HARVEY. T. B. Keliher.

The CHAIRMAN. How long has he been treasurer?

Mr. HARVEY. They have been since the last election.

The CHAIRMAN. The secretary and treasurer have charge of the books of the association, have they?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. And would all the books and records of the association for the past several years be found in the possession of these gentlemen, or do you know how that is?

Mr. HARVEY. That I do not know; I do not know whether they have them all or not.

The CHAIRMAN. You do not know, when one retires as secretary——

Mr. HARVEY. He is supposed to turn the books and documents over to his successor.

The CHAIRMAN. And the same is true of the treasurer, I suppose?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. $30 per annum and an average of 300 members would be an average of $9,000.

Mr. HARVEY. I do not wish to be understood as saying that there are an average of 300; I say we have had as many as 300. I do not think they ever went as high as 300 out of a possible 500.

The CHAIRMAN. For what other purposes, if any, besides paying the counsel of the association, Ex-Senator Thurston, were any funds used in connection with this legislation?

Mr. HARVEY. Well, for general working, postage, communications, printing, dues in the national organization—per capita annual dues—and taking care of an annual convention that is held here in Washington every year.

The CHAIRMAN. You spoke of annual dues in the national organization. What character of organization is that?

Mr. HARVEY. The National Liquor League of the United States.

The CHAIRMAN. And the organization, as an organization, pays a per capita?

Mr. HARVEY. Per capita; yes, sir.

The CHAIRMAN. Do you remember what that is?

Mr. HARVEY. I think about 25 cents.

The CHAIRMAN. Per member?

Mr. HARVEY. I think so.

The CHAIRMAN. And it is based on the membership?

Mr. HARVEY. On the membership; yes; whatever it would be.

The CHAIRMAN. And that is paid out of the treasury of the organization?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. You had some printing done in connection with this matter?

Mr. HARVEY. Plenty of it; yes, sir.

The CHAIRMAN. Briefs and arguments and things of that character?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. And those were mailed——

Mr. HARVEY. Communications were sent to different parts of the country, to different people that were interested, to the national association, to anyone we could find that would be interested that would be of some assistance, that were naturally interested in the liquor business.

The CHAIRMAN. Was this contest on this legislation purely local? I mean did the local people bear all the expense incident to it or was there aid from the outside, from the national organization?

Mr. HARVEY. I do not know how much aid there was from the outside, and do not know what the outside expense was, if any. The local dealers practically bore the expense of whatever was done here.

The CHAIRMAN. Did the organization of the wholesale people also join you in that and aid in it?

Mr. HARVEY. Oh, yes.

The CHAIRMAN. Were there any other organizations?

Mr. HARVEY. Yes; the salesmen have an organization known as the Salesmen's Organization.

The CHAIRMAN. You mean the traveling salesmen?

Mr. HARVEY. No; I mean the salesmen who sell liquor here in town, who sell to the trade.

The CHAIRMAN. The representatives of the wholesale people?

Mr. HARVEY. Yes, sir; known as the Salesmen's Association.

The CHAIRMAN. They have an association and they also aided in this matter?

Mr. HARVEY. Yes.

The CHAIRMAN. Do you know anything about what amount of funds this wholesale organization has?

Mr. HARVEY. I think they had very little. I think they had very few members, and I believe their dues are only $1 a month. I think that is about as much as they contributed—whatever their dues were. I do not think they run over 30 or 40 members at the outside. Perhaps they might have gone to 50——

The CHAIRMAN. Out of a possible membership of mow many?

Mr. HARVEY. One hundred and, I think, fifteen.

The CHAIRMAN. What about the salesmen's organization?

Mr. HARVEY. That is an organization of, I think, about 40 or 50 men.

The CHAIRMAN. Do you know anything about their dues?

Mr. HARVEY. Yes; they pay $5 a year dues.

The CHAIRMAN. Now, in addition to the public hearings before the committees and the public arguments there made and the presentation of this printed matter—briefs, statements, and arguments of that character—what other methods were attempted to reach the legislators directly?

Mr. HARVEY. By communication with men in the business in all parts of the country, to try and interest their representatives here.

The CHAIRMAN. Their local representatives?

Mr. HARVEY. Yes; their Representatives—in the fact that here in the National Capital there was legislation threatened that, if passed, might make this a dry territory; and being the National Capital, and Government territory, we said in our letters that we believed they were as much interested as we were. All we asked them to do, of course, was this moral influence they could bring to bear through communication with their Representatives, pointing out to them the danger, from our viewpoint, of this legislation.

The CHAIRMAN. I dare say your organization also took some interest in what was commonly known as the Webb bill?

Mr. HARVEY. Well, no—we did, but we were not quite as much interested as we were in our local affair here.

The CHAIRMAN. Your primary interest, of course, was in the local situation?

Mr. HARVEY. Here in this Washington affair. We did not understand that that would particularly affect us here, outside of the shipments, and we did not know there was a great deal of shipping being done from the city. Naturally, we were not as much interested as we were in the business itself that looked to us as if it might be destroyed.

The CHAIRMAN. In what way, Mr. Harvey, were the payments made of such expenditures as were made by your organization? You say you had charge of the hearing——

Mr. HARVEY. That is, just of the hearing.

The CHAIRMAN. I understand. Did you have anything to do with the payments?

Mr. HARVEY. No, sir.

The CHAIRMAN. Who paid them?

Mr. HARVEY. The bills were presented, whatever they might be, at the regular meetings—current bills—and read out, and, if found correct, paid.

The CHAIRMAN. By the treasurer?

Mr. HARVEY. By the treasurer

The CHAIRMAN. Upon order of the president, or upon order of the executive board?

Mr. HARVEY. Upon the vote of the organization.

The CHAIRMAN. The organization would order it at one of its regular meetings and that order would be signed, presumably by the president, would it?

Mr. HARVEY. I think that the president and perhaps the secretary signed those orders.

The CHAIRMAN. And that would be presented to the treasurer and payment made in that way?

Mr. HARVEY. I think that is the order.

The CHAIRMAN. Have you any idea how much money was expended in that fight?

Mr. HARVEY. No; I have not.

The CHAIRMAN. Approximately?

Mr. HARVEY. No. I do not know that there was any unusual amount of money spent outside of the extra postage and printing. We had a great deal of printing done—a great deal of postage and, of course, clerk hire and so forth, to get these things out. Those were the running expenses. Of course, this legislation that was threatened made the expense more.

The CHAIRMAN. The matter became more acute after the introduction of what was called the Jones-Works bill, or the two bills by Senators Jones and Works, in the Senate, than it had been for many years, did it not, or how was that?

Mr. HARVEY. Yes; I think it is the first time for 20 years that the Senate or House either has passed a liquor bill here that made any change in the law of 1893. We operated for 20 years, I think, under that law, the law of 1893.

The CHAIRMAN. So far as it applied to the city generally—to the District?

Mr. HARVEY. To the District.

The CHAIRMAN. There was some legislation within 20 years about the sale of liquor in public buildings here—in the Capitol at least, and in other public buildings, perhaps?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Did you ever discuss this matter with any of the Representatives personally? Did you make any effort to do so?

Mr. HARVEY. Oh, I don't know; I guess I did. I did not fail to talk it over with any of them I met.

The CHAIRMAN. Did you stay much about the Capitol?

Mr. HARVEY. Oh, I was up around here considerably.

The CHAIRMAN. And did you seek conferences with Members and Senators in regard to it other than in the public hearings? I mean here at the Capitol?

Mr. HARVEY. I don't think that I particularly sought conferences. Whenever I met a Member that I knew that would talk about the matter I would not hesitate to express my feelings.

The CHAIRMAN. Your convictions about the matter?

Mr. HARVEY. What I thought—as was done in the public hearings practically. All we thought had been laid down in the public hearings.

The CHAIRMAN. You presented your full argument there?

Mr. HARVEY. Yes. We did not say any more than that to anybody else.

The CHAIRMAN. You say you can not give us an idea about the amount that that fight cost the organization?

Mr. HARVEY. No; I could not say that. I do not know that I would have any way of finding that out.

The CHAIRMAN. Could it not be ascertained from the books of the association?

Mr. HARVEY. I do not know that. There were regular amounts to be met, specified amounts, and I do not think it went outside of that, with the exception, perhaps, of this extra printing and clerk hire.

The CHAIRMAN. Do you remember whether any additional assessment had to be made upon the members to meet this?

Mr. HARVEY. I do not know but what an additional assessment might have been made at one time. I think there was an assessment made. I do not know—yes, it was after the passage of the bill in the Senate. I think likely, if my recollection serves me right, they made an assessment. The funds were running low. I do not know the real reason, because I was not at the meeting when it happened, but they did pass a resolution at one of the meetings calling for an extra assessment.

The CHAIRMAN. Do you remember how much that was?

Mr. HARVEY. $10.

The CHAIRMAN. In a lump sum at one time?

Mr. HARVEY. $10 a member.

The CHAIRMAN. Now, Mr. Harvey, during the time this legislation was pending—that is, any time during that Congress—do you know whether any loans were made out of that fund, or any other fund, to any Member of Congress, either Senators or Representatives?

Mr. HARVEY. That fund. I do not know how it was used or anything about that. It was raised in the association and went into the treasury.

The CHAIRMAN. If there had been any loans made, would you likely have known it, or were you in such a position with relation to the association at the time of this work as that you would have known that had it occurred?

Mr. HARVEY. If the association had made any loans, I do not know that I would have known it. The Federation of Liquor Dealers conducted their affairs in their own way. I was a member of the ex-

ecutive board, and if they made any loans or made any deals I did not know anything about it.

The CHAIRMAN. Do you know of any money being paid, whether a loan or otherwise, to any Member of Congress in connection with that legislation?

Mr. HARVEY. I do not know of anything in connection with that legislation. I do not know anything of the—I know of a loan having been made. I know of one loan that was made.

The CHAIRMAN. To a Member of Congress?

Mr. HARVEY. To a Member of Congress.

The CHAIRMAN. At what time?

Mr. HARVEY. I think it was made last September.

The CHAIRMAN. How much?

Mr. HARVEY. $500.

The CHAIRMAN. Do you know what evidence of that loan was taken?

Mr. HARVEY. A note.

The CHAIRMAN. A promissory note?

Mr. HARVEY. A promissory note.

The CHAIRMAN. And that, you think, was loaned out of the funds of the association?

Mr. HARVEY. Loaned out of the funds; yes, sir.

The CHAIRMAN. To whom was that loaned?

Mr. HARVEY. To Congressman McDermott.

The CHAIRMAN. Has it been repaid?

Mr. HARVEY. It has not. The note was put in bank, and it was due, I think—it was a 90-day note, and I think it was due three months after that. I imagine the note is still in the bank, and I do not think it has been paid.

The CHAIRMAN. Is it still owned by the association, or has it passed out of the hands of the association?

Mr. HARVEY. It was not discounted by the bank; it was put there for collection.

The CHAIRMAN. So it is still the property of the association?

Mr. HARVEY. Still its property.

The CHAIRMAN. In what bank was it placed, Mr. Harvey, do you remember?

Mr. HARVEY. I do not know what bank it was placed in; I can not say that positively, but I think it was the National Metropolitan on Fifteenth Street.

The CHAIRMAN. Do you know who negotiated that loan?

Mr. HARVEY. That loan was practically made through my recommendation; that is, in this way: Congressman McDermott came on here, and he saw me—I am pretty sure it was last September—and he told me that he had been so involved in the campaign and it cost him so much money he had to raise money on his mother's house and, excepting he got $500 to take care of this indebtedness that was pressing, his mother's house would be sold.

The CHAIRMAN. And you recommended that this loan be made?

Mr. HARVEY. It was entirely against my grain, and against what I had thought should ever be done, but in this case he seemed desperate. I think he made a special trip here from Chicago—I am pretty sure he did, and he seemed very much worried. I talked to some of the people in the association, and recommended that they take his

note. But he positively, absolutely promised to pay it back. He promised to pay $200 when it came due first, which, I think, would be in December, after Congress met; and then in January and February and March to pay off $100 a month, making $300 after that, so that the total indebtedness would have been paid before the term of Congress expired, while he was here in Washington.

The CHAIRMAN. That was all loaned in one sum?

Mr. HARVEY. In one note.

The CHAIRMAN. One note taken?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. When it first came due he was to pay at least $200?

Mr. HARVEY. Yes; he was to pay at least $200.

The CHAIRMAN. And then $100 a month until it was all paid?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Now, Mr. Harvey, that was an unusual transactiton, was it not?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Are there any other instances that you know of where the association made loans of that character?

Mr. HARVEY. None at all; I know of no other.

The CHAIRMAN. How long have you known Mr. McDermott?

Mr. HARVEY. Why, I suppose several years; I suppose shortly after he came to Congress.

The CHAIRMAN. Do you know of any particular reason why he came to you and sought this loan out of this particular fund, or did he seek it out of this particular fund at that time?

Mr. HARVEY. No; he did not. He simply asked me to raise $500 and loan it to him. He did not care particularly how it was raised or where it came from.

The CHAIRMAN. You were telling of the manner in which the loan was negotiated?

Mr. HARVEY. He did not ask to get it from any particular place; he just asked me to get it for him. He said he was in awful straits; that he was in desperate circumstances, and explained what I have explained to you before about his mother's house, and I did not care to go to the bank. I did not make any attempt to go to the bank. I thought perhaps we could spare this money out of the treasury, feeling sure that it would be returned. If I had thought for a moment that he would not have returned it, he would never have gotten a penny.

The CHAIRMAN. Had you ever made any other loans to him prior to that time, either personally or as an association?

Mr. HARVEY. Never; either personally or by the association.

The CHAIRMAN. You say the association had never made him any?

Mr. HARVEY. Never; I do not know that they knew anything about it, as far as I know.

The CHAIRMAN. Mr. Harvey, was there any connection of any character between that loan and this legislation?

Mr. HARVEY. Absolutely none.

The CHAIRMAN. Was that legislation in any way discussed at the time this loan was made?

Mr. HARVEY. Not at all.

The CHAIRMAN. Had you frequently, prior to that time and since that time, discussed this legislation with Mr. McDermott?

Mr. HARVEY. I do not recall having discussed legislation with him at all since then. I do not know that I ever spoke in any way about legislation since that time. Indeed, I said very little to him ever about legislation.

The CHAIRMAN. Do you happen to know what his attitude was with respect to that legislation, or did you know?

Mr. HARVEY. We have friends in Chicago that are in the business and in his district, and we had every reason to believe that he would be fair anyway, and my early acquaintance with him came in that manner, from men who reside in his district in Chicago, whom I met at the conventions. At no time did we discuss anything pertaining to legislation, about the time of this loan or after that.

The CHAIRMAN. You know of no other instance in which you have made loans out of that fund, or in which the association has made loans out of that fund to Members of Congress or to anybody else?

Mr. HARVEY. No, sir.

The CHAIRMAN. Were the funds on hand in the treasury at the time?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. It did not require any assessment of members to raise the fund?

Mr. HARVEY. No.

The CHAIRMAN. That came wholly out of the funds of the retail association.

Mr. HARVEY. No; it did not. It came out of the general fund of all the organizations, not of the retail fund; out of the wholesalers and the salesmen and the retailers, the general fund of these organizations.

The CHAIRMAN. Let me ask you, is there one common source into which all these funds are paid?

Mr. HARVEY. No, sir.

The CHAIRMAN. Each organization has its set of officers?

Mr. HARVEY. Yes.

The CHAIRMAN. Its treasurer?

Mr. HARVEY. Yes.

The CHAIRMAN. And its secretary?

Mr. HARVEY. Yes.

The CHAIRMAN. And the treasurer of one is not the treasurer of another?

Mr. HARVEY. No, sir.

The CHAIRMAN. The officers in all instances are different people?

Mr. HARVEY. Yes; different people. There is a central body into which those organizations pay dues.

The CHAIRMAN. The individuals pay their dues?

Mr. HARVEY. No; the organizations pay the dues, not the individuals. It is on the order of the central labor body. There are no other dues outside of what are paid by the members of the organizations. They pay dues into their organization, and their organization in turn pays dues to this central organization, according to whatever their amount is that is supposed to be made.

The CHAIRMAN. Let me see if I follow you. This central organization embraces the retail association?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. And the wholesalers association?

Mr. HARVEY. Yes.

The CHAIRMAN. And the salesmen?

Mr. HARVEY. Salesmen and what is known as the jobbers and the brewers and the bottlers.

The CHAIRMAN. Jobbers——

Mr. HARVEY (interposing). Brewers and bottlers.

The CHAIRMAN. Brewers and bottlers. They each have their separate associations, or is there one association?

Mr. HARVEY. Oh, no; they are separate organizations. I do not know how perfect their organizations are, but they are separate in the way of doing business. Each represents a different branch of the trade.

The CHAIRMAN. Who are the officers of the central organization?

Mr. HARVEY. Of the central organization, Mr. Muhlheisen is president, and I am the secretary, and Mr. Jacobson is the treasurer.

The CHAIRMAN. And it was out of the funds in the treasury of the central organization that the loan was made to Mr. McDermott?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Did Mr. McDermott know that the retail liquor dealers were organized?

Mr. HARVEY. Well, I do not know that, sir.

Mr. CLINE. Never talked about an organization of the liquor dealers here—that is, any branch of them being organized?

Mr. HARVEY. Mr. McDermott knew that we had annual meetings here. He knew that this retail liquor dealers' organization was part of the national organization, because he had met his friends from Chicago here at the annual conventions. He knew that the local body was a part of the national organization.

Mr. CLINE. Did he know you were a member of it?

Mr. HARVEY. Of the retailers?

Mr. CLINE. Yes.

Mr. HARVEY. Yes, sir; I should say he did in a general way.

Mr. CLINE. Do you know whether he had any knowledge of the fact that you had been an officer in the organization?

Mr. HARVEY. No; I do not know that.

Mr. CLINE. Do you know whether Mr. McDermott has been personally solicited to pay this note?

Mr. HARVEY. He received the notice from the bank—that is, the notice from the bank was sent to him; I know that.

Mr. CLINE. Did he ever talk with you about that after he had given it?

Mr. HARVEY. Never did.

Mr. CLINE. Did you call on him?

Mr. HARVEY. Never asked him anything.

Mr. CLINE. You felt some little responsibility in that matter yourself because of having suggested the loan?

Mr. HARVEY. When I recommended it; yes, sir.

Mr. CLINE. You say you never have said anything to him about it?

Mr. HARVEY. Well, I did not personally. The matter passed out of my hands.

Mr. CLINE. I understand. But I want to know whether you had personally had any conversation with him about the payment of the note?

Mr. HARVEY. I think not.

Mr. CLINE. Does he come to your place occasionally?

Mr. HARVEY. I do not know whether he has ever been to my place or not.

Mr. CLINE. Did he come to your place before the loan was negotiated?

Mr. HARVEY. No; I do not know that he did.

Mr. CLINE. Where did you get acquainted with him?

Mr. HARVEY. Around down here, up here, or I think likely my acquaintance commenced at one of our conventions here. I do not recall where I met him first.

Mr. CLINE. Did he attend the convention with his friends when they came?

Mr. HARVEY. He came to meet them.

Mr. CLINE. Representatives from Chicago?

Mr. HARVEY. Yes; came up to meet them.

Mr. CLINE. What security did you have for this note?

Mr. HARVEY. None at all.

Mr. CLINE. Just took his individual paper?

Mr. HARVEY. Yes; just took his individual paper.

Mr. CLINE. At what rate of interest?

Mr. HARVEY. Six per cent.

Mr. CLINE. No payments have been made at all on it?

Mr. HARVEY. None that I know of. I have not heard of any payments being made. I do not think there have been.

Mr. CLINE. Do you know whether Mr. McDermott claims to have any defense to the note at all?

Mr. HARVEY. No; I do not know. I will say this, that here, to-day, I asked Mr. McDermott when I came here, about that note. I asked him if he intended to pay it, and he said he did. That is the first time I have had an opportunity to say anything to him. I have not seen him, I do not believe, but a few times, perhaps, since the note was negotiated, although I saw him a good many times during the session of Congress, to hold a conversation with him, a very few times, and this morning when I came here and I saw him, he came and spoke to me, and I asked him about the note, and asked him if he was going to pay it, and he said he was.

Mr. CLINE. Did you investigate the condition of your treasury in order to find out whether you had funds enough to make that loan?

Mr. HARVEY. Yes; we had more than that on hand.

Mr. CLINE. Did you call up the treasurer and talk with him about it?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Who did you say the treasurer was?

Mr. HARVEY. Mr. Jacobsen.

Mr. CLINE. Did you go with Mr. McDermott to see the treasurer about it?

Mr. HARVEY. No; I do not know whether Mr. McDermott was there or not when I saw the treasurer. I saw the treasurer about it, and I know I saw not only the treasurer but the other members.

Mr. CLINE. Where was the loan consummated?

Mr. HARVEY. In our office at the National Hotel.

Mr. CLINE. You do not know who was with Mr. McDermott at the time?

Mr. HARVEY. I do not know. I think Mr. McDermott saw me alone. I am not positive about that. When he saw me first he was alone, I think. Whether he wrote me about it first, before that, I am not clear.

Mr. CLINE. I mean when the matter was closed up. Did you go with Mr. McDermott to the treasurer and arrange for the loan and close it up with him?

Mr. HARVEY. No; Mr. McDermott gave me the note, and I gave Mr. McDermott the check, and I turned the note over to the treasurer.

Mr. CLINE. You checked the money out of your own personal funds?

Mr. HARVEY. No, sir; the treasurer gave me the check.

Mr. CLINE. Do you know of any other instance in which your organization, or any kindred organization of the Liquor Dealers' Association, has made any loans of that character?

Mr. HARVEY. No, sir.

Mr. CLINE. Is that the first one you know of in the history of your organization?

Mr. HARVEY. That is the only one I have been interested in or have any knowledge of.

Mr. CLINE. You say you did not take any security on that?

Mr. HARVEY. Just his note.

Mr. CLINE. You knew of the friendly relationship between Mr. McDermott and the representatives of the business from Chicago when they attended the convention here?

Mr. HARVEY. Oh, yes.

The CHAIRMAN. Mr. Harvey, has your organization, or this central organization, or any of these organizations of which you know, to your knowledge, at any time contributed anything to campaign funds?

Mr. HARVEY. Not that I know of.

The CHAIRMAN. Neither to the national committee of either party, or to any congressional committee, or in any district?

Mr. HARVEY. No.

The CHAIRMAN. Have you ever made any efforts to reach out into any congressional district and control the election or the defeat of Members in any way?

Mr. HARVEY. We have, through our organization, sent literature into districts, mailed letters to constituents, telling them that—the liquor men—telling them that this man was either antagonistic or friendly, or had been neutral; if any man had been neutral in the matter and had not particularly fought our business here, we never bothered at all about him, but wherever a case arose where a man had been friendly with us, had talked and had refrained from doing anything that we could see that was against us, we never hesitated to do anything we could in the way of communicating with the men in our business in his district, telling them he was friendly to our interests.

The CHAIRMAN. And if he had been unfriendly to your interests, did you communicate with those in the business in his district and advise them?

Mr. HARVEY. I do not know that we did. I do not know that we ever did that.

The CHAIRMAN. You do not remember of any instance in which you ever did that?

Mr. HARVEY. No; I do not think we ever did say anything against the man.

The CHAIRMAN. In about how many instances, if you can recall, did you send out the letters to the trade which have referred to?

Mr. HARVEY. I do not know; I could not recall that. In the past three or four Congresses, a number of times. I do not know exactly.

The CHAIRMAN. Have you any instances in mind, particularly?

Mr. HARVEY. I could not recall any offhand. There were not many.

The CHAIRMAN. Not many?

Mr. HARVEY. No.

The CHAIRMAN. You can not recall any instances now?

Mr. HARVEY. I think we sent letters into Mr. Cary's district in Wisconsin, to the dealers there, telling them he was very friendly to us; that is, he had not done anything against us that we knew of, and was satisfactory as a Congressman so far as the liquor interests went. I do not know of any other. I would have to look that up to find out who they were to be sure about it.

The CHAIRMAN. You contributed no money to any campaign?

Mr. HARVEY. Absolutely none; never did.

The CHAIRMAN. Was that the full extent of your activities, simply advising gentlemen engaged in the liquor business as to the attitude of Members?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Advising them by letter?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. No other interests in the election or defeat of any particular man?

Mr. HARVEY. I do not mean to confine it to Mr. Cary, absolutely.

The CHAIRMAN. You remember that that is one instance?

Mr. HARVEY. I recall that.

The CHAIRMAN. You do not remember any other instances, now, do you?

Mr. HARVEY. I would not like to name any other just now, without knowing positively.

The CHAIRMAN. I will ask you to look that matter up carefully, and perhaps we may want to make some inquiries at a later date about that. Was this done voluntarily, Mr. Harvey, or was it done at the request of the members?

Mr. HARVEY. Absolutely voluntary.

The CHAIRMAN. Through this national organization that you spoke of, or have you any character of plan or method whereby you disseminate this information as to the attitude of Members with respect to legislation?

Mr. HARVEY. Oh, yes; it would be an easy matter to write to the secretary of the national organization with the request that he would get in touch with the State organization in almost any matter.

The CHAIRMAN. At a later date I think we shall want to inquire about that more in detail in regard to the organization, but just at present I have no further questions to ask.

Mr. RUSSELL. You spoke of your offices in the National Hotel.

Mr. HARVEY. Yes, sir.

Mr. RUSSELL. You have an office there?

Mr. HARVEY. We have a room there, a large room, and that is where the organizations meet to conduct their business, and the office is open every day.

Mr. RUSSELL. That is where the business of this organization was done at that time and is now?

Mr. HARVEY. Yes, sir.

Mr. RUSSELL. Did you know whether Mr. McDermott was solvent when you loaned him that $500?

Mr. HARVEY. I did not.

Mr. RUSSELL. Did you make any investigation as to that?

Mr. HARVEY. I knew he was in very desperate circumstances, from what he said; that his mother's house would be sold if he did not get the $500 to stave it off.

Mr. RUSSELL. Then, it seems that you loaned him $500 more as a matter of sympathy than anything else?

Mr. HARVEY. I do not see how it could have been anything else. It was absolutely on account of his condition, the manner in which he acted; he needed the money. I think we would have done that for anybody else in the same condition.

Mr. RUSSELL. You did know, I believe I understood you to say, that he was friendly to the legislation that you people favored?

Mr. HARVE. Well, I had never had reason to think he was unfriendly.

Mr. RUSSELL. Did you know, when the legislation was presented to the House, what his attitude was on it?

Mr. HARVEY. I do not recall.

Mr. RUSSELL. Well, would the fact that he was supposed to be friendly to the legislation have something to do with making this loan?

Mr. HARVEY. I do not know. I suppose that he would consider it in that friendly spirit that a great many others would be; but as for his doing anything—if he has ever done anything to help us in any way—I do not know it and have never discovered. I do not know whether he could or not.

Mr. RUSSELL. You would not have loaned $500 to him if you had understood he was unfriendly to you, would you?

Mr. HARVEY. That would not be a natural transaction; but I do not know what would have been done under the circumstances with a man as distressed as he appeared to be.

Mr. RUSSELL. Would you have loaned it to him if you had not known he was a Member of Congress?

Mr. HARVEY. Of course, I do not know about that. Some men that are not Members of Congress I know could have gotten it if we had had it as we had that.

Mr. RUSSELL. But I understand you to say that you never have loaned to anyone else?

Mr. HARVEY. Never. That is the only instance that I have ever known of that kind, and I have been coming here a number of years,

and I was satisfied he would not have done it if he had not been in the position he was in. I never had anyone in my time to ask me for money or suggest or hint at it.

Mr. FERRIS. Are you a member of the executive board?

Mr. HARVEY. Of the retail dealers.

Mr. FERRIS. Have you since found out whether or not the conditions represented to you by Mr. McDermott were true?

Mr. HARVEY. No; I never did find it out.

Mr. FERRIS. You do not know whether he was in the dire condition he represented to you?

Mr. HARVEY. I do not know.

Mr. FERRIS. What action has the board taken toward the collection of that note?

Mr. HARVEY. That note, as I said before, was not a loan from the Federation of Liquor Dealers, but from the central body, and the bank notified him. I asked the treasurer about it and he said he was notified. I do not know how many times. I did not inquire, so I do not know. I have not found out.

Mr. FERRIS. It is long past due?

Mr. HARVEY. It was made out in September and it was due in December.

Mr. FERRIS. No instructions to sue or take any action?

Mr. HARVEY. I think if we had it to go over again it would be protested.

Mr. FERRIS. No affirmative action has been taken at all?

Mr. HARVEY. Not as yet.

Mr. FERRIS. And no action which would guide you relative to a decision as to what course to pursue?

Mr. HARVEY. Not yet. I think the note remains in the bank, subject to whatever instructions are given about it.

Mr. CLINE. Mr. Harvey, when Mr. McDermott came to you, did you inquire into his personal ability to pay the note?

Mr. HARVEY. No, sir; I knew he was a Member of Congress, got a good salary, and I thought he would be able to pay it.

Mr. CLINE. You think he came here from Chicago to make the loan?

Mr. HARVEY. I do not know.

Mr. CLINE. I thought you stated that possibly that might be.

Mr. HARVEY. Well, it was in September, and I know he had not been in Washington, and suddenly he appeared here.

Mr. CLINE. Congress did not meet until December?

Mr. HARVEY. Yes, sir; and that is the reason I think he came on from Chicago.

Mr. CLINE. Did you think so at the time?

Mr. HARVEY. I think my recollection is that I thought he came on to try to get a loan of $500.

Mr. CLINE. Did it not occur to you that if Mr. McDermott was good, and being a Member of Congress, he ought to have gotten that money at home?

Mr. HARVEY. Yes, it is reasonable to think that he would. I did not know what his reasons were that he did not want to go to some of his own people.

Mr. CLINE. He was undertaking to save his mother's house or home?

Mr. HARVEY. That is what he told me.

Mr. CLINE. He knew you would loan this out of a trust fund?

Mr. HARVEY. Out of the treasury; yes, sir.

Mr. CLINE. You did not inquire whether he was able to get the money at home?

Mr. HARVEY. No; I did not.

Mr. CLINE. You did not care to inquire into that?

Mr. HARVEY. I did not go into that. It was a case of him wanting it then and there.

Mr. CLINE. Would you not naturally make inquiries as to what resources he had and what his ability was to pay?

Mr. HARVEY. Well, the only thing, as I recall, was that which dawned on me at the time, the fact that he was getting a good salary, and he said he would meet the note in December when he came back, pay $200 then and $100 a month after that until it was paid.

Mr. CLINE. Of course, he could have met it in Chicago the same way, with his friends there?

Mr. HARVEY. I should think so.

Mr. CLINE. And still it did not occur to you that the proper thing to do was to inquire into his financial ability to pay, or his financial standing?

Mr. HARVEY. I should have inquired into that; it would be the natural thing for a man to do.

Mr. CLINE. That would be a proper business course?

Mr. HARVEY. I should think so.

Mr. CLINE. So, upon the mere fact that he was a Member of Congress, getting a salary, without any inquiry into his financial standing, whether he had tried to get it of his friends at home, a thousand miles from here, you walked over to this trust fund to get the $500 for him?

Mr. HARVEY. I did not walk to the trust fund to get it; I talked it over with the members and they agreed to let him have it.

Mr. CLINE. What did you say to the rest of the executive board?

Mr. HARVEY. I told them what he had told me, and I felt that they would lend it to him, and he would pay it back. I assured them he would pay it back.

Mr. CLINE. He touched your sympathies pretty strongly, did he not?

Mr. HARVEY. I do not know that he touched my sympathies very strongly. I thought he would pay the money back. He gave me his word he would.

Mr. CLINE. Did you tell them "he was a friend of our folks in our business?" Did you tell that to the remaining members of the executive board?

Mr. HARVEY. No; I do not recall that I did.

Mr. CLINE. How many members of the executive board?

Mr. HARVEY. On this there were four members that agreed to this.

Mr. CLINE. You talked with all of them about it?

Mr. HARVEY. Those four; yes, sir.

Mr. CLINE. Were they all together when you talked about it?

Mr. HARVEY. Yes, sir; I think so.

Mr. CLINE. And you concluded to make a loan after you had your consultation?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Did any of those men ask you whether you had consulted him about his ability to pay?

Mr. HARVEY. I do not recall that, whether they did or not. I do not recall that they asked me that. Of course there was some doubt about making the loan among some of those members. I am free to say that I do not believe they were anxious to make it. I do not think they liked the idea. I did not like the idea. I had never done it before.

Mr. CLINE. Then, if that is true, Mr. Harvey, what particular motive did you have? What moved you to make the loan, if you did not know anything about his standing, about his ability to pay?

Mr. HARVEY. Why, simply like many a man who has made a loan, that is all.

Mr. CLINE. You would not loan me $500, would you? [Laughter.]

Mr. HARVEY. I do not know about that; I believe I would.

Mr. CLINE. I would advise you not to take those chances. There might be many men who would come to you and want $500.

Mr. HARVEY. Exactly; I see that.

Mr. CLINE. And you might require a pretty big bank account if it got to be a common practice.

Mr. HARVEY. Well, if it got to be a regular business.

Mr. CLINE. Well, being a very irregular business you ought to inquire into the ability of a man to repay trust funds that you were taking $500 out of.

Mr. HARVEY. Well, I do not know but what it was the lack of doing that kind of business that made me fail to make the inquiries.

Mr. CLINE. Did you tell "Mac." that you had that money in a trust fund?

Mr. HARVEY. No, sir; he did not know what money I had. He asked me to give it to him; he did not say out of that fund. He asked me to give him $500. I am the one that suggested that.

Mr. CLINE. You do not loan money, do you, as a business?

Mr. HARVEY. No, sir.

Mr. CLINE. How did he happen to come to you to borrow it?

Mr. HARVEY. I do not know that.

Mr. CLINE. There are lots of places here in Washington where a person can borrow money, and spend it after he gets it.

Mr. HARVEY. Yes, sir.

Mr. CLINE. You can not give any reason why he came to you for it?

Mr. HARVEY. Not at all. I imagine that he had tried other places. I do not know that I am the first one he came to for the money. He might have come to me as a last resort. I do not know that. But I do not imagine that I am the first one, because he never had any reason to figure on getting it from me. But he wanted the money and came to me.

Mr. CLINE. Do you say that you were very intimately acquainted with Mr. McDermott at that time?

Mr. HARVEY. No, sir. I knew Mr. McDermott for several years.

Mr. CLINE. Knew him just as a passing acquaintance?

Mr. HARVEY. No; I knew him enough to talk to. I knew him on account of dealings with the association in Chicago. I got to know him quite well.

Mr. CLINE. When was this note put in bank?

Mr. HARVEY. Put in bank? Perhaps right away. I do not know that.

Mr. CLINE. Was it in January?

Mr. HARVEY. No; September.

Mr. CLINE. Has it been there ever since?

Mr. HARVEY. I think it is in the bank. I do not know if the treasurer may have it; but I know he told me it was in the bank and the notice was sent out from the bank.

Mr. CLINE. Are you still a member of the executive board?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Why do you not proceed to collect that amount?

Mr. HARVEY. Well, I do not know but we may do so.

Mr. CLINE. Why have you not heretofore done so? You knew he has been drawing his salary since then?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Have you ever tried to fix the matter up with him in any way?

Mr. HARVEY. No, sir. The only thing was the notice from the bank; and I do not know how many notices he got; I do not know whether he got any letters or not; but the bank was instructed to collect it.

Mr. CLINE. Has the executive committee had the matter under consideration?

Mr. HARVEY. We have talked about the matter several times.

Mr. CLINE. Did they talk about pursuing the matter of the note?

Mr. HARVEY. We talked about pursuing the matter, several times.

Mr. CLINE. Did you talk to your attorney about it?

Mr. HARVEY. No, sir.

Mr. CLINE. You have a regular attorney, have you not?

Mr. HARVEY. Well, we did have a regular attorney. We had ex-Senator Thurston, but I do not know whether he is still the attorney or not.

Mr. CLINE. Have you taken any means to ascertain whether Mr. McDermott is good or not, since this note fell due?

Mr. HARVEY. I do not know that he has any—no, I did not. I have felt all along that with the man getting the salary that he was he would be good enough for that much money.

Mr. CLINE. Well, he has failed to pay after it has been due for six or eight months?

Mr. HARVEY. Yes, sir.

Mr. CLINE. Why did you not investigate as to what were his abilities to pay? He may be worth a milion dollars back of it.

Mr. HARVEY. I have never heard that he was worth any money. I never heard his financial condition discussed, and I never had any reason to believe that he had any unusual amount of money.

Mr. CLINE. The fact is that you have very little information on that subject?

Mr. HARVEY. I have very little information on that subject; no, sir.

Mr. CLINE. Now, that is a very mysterious thing to me as a member of this committee: First, why you let Mr. McDermott have this money out of this trust fund belonging to your organization, and then after the note became due why you did not as a good business proposition take some active steps to get your money on the note. You have no particular explanation, have you, for that?

Mr. HARVEY. No; I realize very well that that would be the business course to follow, but——

Mr. CLINE (interposing). And you have no reason to give the committee at the present time why you did not proceed to do that?

Mr. HARVEY. Just delay; that is all. Instead of pressing the thing, as I have said, we have got the note yet and at any time may proceed against him for it.

Mr. CLINE. Yes.

Mr. HARVEY. But he tells me to-day here that he is going to pay it.

Mr. CLINE. Well, he told you that when he made the note, did he not?

Mr. HARVEY. He did; absolutely.

Mr. CLINE. And your organization does not collect any more money than you need for the current expenses, does it?

Mr. HARVEY. No, sir.

Mr. CLINE. Do you know whether you have had to borrow any money since you have made this loan?

Mr. HARVEY. No, sir; we have not.

Mr. CLINE. You have managed to get along without it?

Mr. HARVEY. It would be very nice to get it just now. We would like to have it back into the treasury.

Mr. CLINE. Well, it would seem that you would be proceeding to make the collection, if that is the case?

Mr. HARVEY. Well, we may proceed to make the collection.

Mr. CLINE. That is all, so far as I am concerned.

Mr. WILLIS. Mr. Harvey, you say that these annual dues in this local federation of liquor dealers are $30?

Mr. HARVEY. Yes, sir.

Mr. WILLIS. And I understood you to say that the membership was something like 300?

Mr. HARVEY. Well, it has reached that at times; it has been up to 300; from 200 to 300 members.

Mr. WILLIS. Your annual income, then, would be somewhere between $6,000 and $9,000?

Mr. HARVEY. I imagine it would be somewhere along there.

Mr. WILLIS. And you say that when this legislation was pending you found it necessary to make a special assessment?

Mr. HARVEY. Well, I do not know why that—I do not know particularly about that special assessment. There was a special assessment made, and I got notice of it, and I paid mine, and I do not know the real reason for the assessment, because I was not there at the meeting at the time, but I imagine it was just to have the treasury as strong as possible.

Mr. WILLIS. Could you give any sort of estimate to the committee as to the probable amount expended in printing, postage, etc. You spoke of sending out circulars and literature?

Mr. HARVEY. No; I could not tell you that offhand.

Mr. WILLIS. Could you state the probable amount of the fund that had accumulated at the time this legislation was pending before this special assessment was made?

Mr. HARVEY. No; I do not know that, I do not know what the fund was. I do not recall what it was. The funds never got very high, we never had a great deal of money.

Mr. WILLIS. I believe you say the secretary drew a large salary, did he?

Mr. HARVEY. Yes, sir.

Mr. WILLIS. Do you remember the amount of that salary?

Mr. HARVEY. I do not. I do not know what it was.

Mr. WILLIS. And then there was a——

Mr. HARVEY. Treasurer.

Mr. WILLIS. And do you imagine that it was a large salary that the secretary drew?

Mr. HARVEY. No; I do not think it was large.

Mr. WILLIS. I understand you to say the treasurer drew a salary large enough to pay the expenses of a bond, or something like that?

Mr. HARVEY. I imagine somewhere along about $100.

Mr. WILLIS. Could you state what the expenses of the organization are? I do not mean the amount, but in what lines they would be.

Mr. HARVEY. Well, they had running expenses, as you have enumerated them, the secretary and treasurer, and postage, and printing, and they paid a collector. They have a collector to collect, and they pay their attorneys, and they pay the per capita——

Mr. WILLIS (interposing). Just a moment. Do you have a regular attorney and pay him so much a year, or simply as you employ him?

Mr. HARVEY. They did have a regular attorney. I do not know now that the association has a regular attorney, but it did have one for years.

Mr. WILLIS. Up until how recently?

Mr. HARVEY. Up until a few months, perhaps.

Mr. WILLIS. Do you know whether during the pendency of this legislation any persons, attorneys, or others were employed to assist you in the work of calling upon Members and discussing with them the merits or demerits of this excise legislation?

Mr. HARVEY. No; I have no knowledge of that if it was done.

Mr. WILLIS. You stated, I believe, in answer to a question of the chairman, that there was no campaign contribution to any political party from this fund. Do you know whether the Members as individuals were called upon to raise a fund for any political party?

Mr. HARVEY. No; I do not. I think if there were any campaign contributions that they were made as individuals—perhaps through solicitation. I have no personal knowledge of any.

Mr. WILLIS. And you do not know of any efforts made to get the liquor dealers to contribute to any fund?

Mr. HARVEY. No, sir.

Mr. WILLIS. That is all.

Mr. STAFFORD. After you received this note, what did you do with it, Mr. Harvey?

Mr. HARVEY. Well, when I received it I gave it to the treasurer, and he put it in bank.

Mr. STAFFORD. When you say the treasurer put it in bank, do you mean that he deposited it in the safe-deposit box of the bank or deposited it with the bank officials?

Mr. HARVEY. I do not know. I think he put it there with the note teller to collect it and credit it to the account.

Mr. STAFFORD. To collect it when it became due?

Mr. HARVEY. Yes, sir.

Mr. STAFFORD. Do you know when you received notice from the bank officials that Mr. McDermott had declined to pay the note?

Mr. HARVEY. No; I do not. I do not know that.

Mr. STAFFORD. You do not know whether your officers directed them to make other demands upon Mr. McDermott for payment?

Mr. HARVEY. No, sir; the treasurer had the handling of that and I suppose that he did. I imagine that there was more than one demand.

Mr. STAFFORD. So far as sending out the voluntary letters as to the stand of Representatives on legislation in which your association was interested, as I understood you, that was done voluntarily and without the reguest at all of the Members or without the knowledge of the Members of Congress?

Mr. HARVEY. Oh, I do not know that it was done without their knowledge. I do not think there was any time that it was—perhaps a copy was sent to the Member, whoever it was, along with the other.

Mr. STAFFORD. The Member did not request it, did he?

Mr. HARVEY. No, sir; I do not know that he requested it.

Mr. STAFFORD. For instance, in the case of my colleague, Mr. Carey, you do not know whether he ever requested you or any of the officers of your association to send out the information as to his stand on any liquor bills here in Congress?

Mr. HARVEY. No; I do not know that he did; I can not recall that he did. If he did, it came to me in some roundabout way. I can not recall it now.

The CHAIRMAN. Mr. Harvey, did one attorney represent all the associations? I may have asked you that question before, but I would like to know about it.

Mr. HARVEY. The only attorney that I know of that was a paid attorney was ex-Senator Thurston.

The CHAIRMAN. And he represented the federated association?

Mr. HARVEY. He was at the hearing and presented the case; yes, sir.

The CHAIRMAN. Now, you spoke of his being your regular attorney for some time?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. Was he the regular attorney of all the federated dealers, this central organization?

Mr. HARVEY. No; he was the regular attorney for the retail end of it.

The CHAIRMAN. For the retail end of it?

Mr. HARVEY. He was employed by them before we had a central organization—before there was anything but one organization. There was only one organization at one time, and that was the retailers, and later these other organizations formed for the protection of their branches of the trade.

The CHAIRMAN. There is not any conflict of interest in any way between the wholesalers, the retailers, the brewers, and the bottlers; their interests all, in a measure, are identical?

Mr. HARVEY. So far as the business goes.

The CHAIRMAN. Of course, they each have their peculiar problems?

Mr. HARVEY. That is it, exactly.

The CHAIRMAN. That are of no concern to another association?

Mr. HARVEY. Yes, sir.

The CHAIRMAN. But they all have one fundamental, common interest?

Mr. HARVEY. Exactly.

Mr. FERRIS. Do you know a man named Cornwell?

Mr. HARVEY. Yes; I know him.

Mr. FERRIS. What are his initials?

Mr. HARVEY. That I do not know.

Mr. FERRIS. Do you know of any other liquor dealers that have loaned Mr. McDermott money?

Mr. HARVEY. No, sir.

Mr. FERRIS. You do not know of any loans being made by other liquor dealers at all, anywhere?

Mr. HARVEY. No, sir. The only knowledge that I have of a loan is the loan that I made.

Mr. FERRIS. That is the only one?

Mr. HARVEY. Yes, sir.

Mr. FERRIS. Have you ever had any conversation up in your headquarters about other men having made loans to him?

Mr. HARVEY. No; I do not know that we have. I can not recall any now. No; I do not remember any.

Mr. FERRIS. You do not recall any conversation of that kind wherein it was talked over that some 20 or 30 had made similar loans to yours?

Mr. HARVEY. No, sir.

Mr. FERRIS. The different liquor dealers?

Mr. HARVEY. No, sir. If that was done, I was no party to it. I do not know anything about it.

Mr. FERRIS. I am not asking you if you are party to it. I am asking you if you have had conversations with other liquor dealers to that effect?

Mr. HARVEY. No; I tell you. In an office where people are coming and going all the time there is a lot of conversation that takes place; where men talk. If anything of that kind occurred, I do not recall it at this time. It might have happened and I paid no attention to it.

Mr. FERRIS. That is all.

The CHAIRMAN. You will be excused for the day, Mr. Harvey, and if the committee should desire your return at any time you will be advised.

Mr. HARVEY. All right, sir.

TESTIMONY OF FRANK J. SOLAN.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Will you give your full name to the reporter, please, Mr. Solan?

Mr. SOLAN. Frank J. Solan.

The CHAIRMAN. And your age?

Mr. SOLAN. 51.

The CHAIRMAN. And your residence?

Mr. SOLAN. 1003 Seventh Street NW.

The CHAIRMAN. And your business?

Mr. SOLAN. Saloon keeper.

The CHAIRMAN. Any other business than that?

Mr. SOLAN. No, sir.

The CHAIRMAN. Did you not run a café in connection with your business?

Mr. SOLAN. A restaurant.

The CHAIRMAN. A restaurant and saloon.

Mr. SOLAN. Yes, sir.

The CHAIRMAN. How long have you been engaged in the business here, Mr. Solan?

Mr. SOLAN. I have been in this present place over a year. I have been about 12 years in the business. I ran the Benning for a while.

The CHAIRMAN. Where is your place of business?

Mr. SOLAN. 1003 Seventh Street NW.

The CHAIRMAN. Do you reside at the same place?

Mr. SOLAN. I reside at the same place; yes.

The CHAIRMAN. Mr. Solan, are you a member of the Association of Retail Liquor Dealers here?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. You have heard the testimony of Mr. Harvey just given?

Mr. SOLAN. I am a member of that association.

The CHAIRMAN. Do you hold any official position in it?

Mr. SOLAN. A member of the executive board.

The CHAIRMAN. The same board that Mr. Harvey says he was a member of?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. Have you at any time held any other official position in it?

Mr. SOLAN. No, sir.

The CHAIRMAN. You have never been president of the association?

Mr. SOLAN. No, sir.

The CHAIRMAN. Or any other official of it?

Mr. SOLAN. No.

The CHAIRMAN. How many members of the executive board are there?

Mr. SOLAN. Twenty-three, I think.

The CHAIRMAN. Does the executive board have general conduct of the business of the retail association? And have regular meetings for that purpose?

Mr. SOLAN. Well, they have their regular sessions; yes, sir. But I have not been an active attendant at the meetings. I have not been to but one or two meetings in seven months.

The CHAIRMAN. How often are their meetings held?

Mr. SOLAN. They are supposed to be held every two weeks.

The CHAIRMAN. And do they have any special meetings?

Mr. SOLAN. And the regular meetings every month.

The CHAIRMAN. Do you mean by that the regular meetings of the entire association?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. And the executive board of your association is supposed to meet every two weeks?

Mr. SOLAN. Every two weeks; yes, sir.

The CHAIRMAN. And do they sometimes have called sessions?

Mr. SOLAN. There are specially called sessions. We keep them notified by postals—we keep them informed so nobody will have any excuse for not attending.

The CHAIRMAN. But those are the regular meetings?

Mr. SOLAN. They are all regular meetings, but the members are notified by postal card so that they will attend them.

The CHAIRMAN. Is the time fixed by the by-laws?

Mr. SOLAN. By the by-laws; yes, sir. The hour——

The CHAIRMAN. And that notification, then, is just a formal matter?

Mr. SOLAN. Yes, sir; it is a reminder for them to keep the matter in mind.

The CHAIRMAN. In addition to those regular meetings that are fixed by the by-laws, does the board occasionally have called meetings?

Mr. SOLAN. Well, I do not really know that. As I explained a moment ago, I have not attended any meetings in seven months.

The CHAIRMAN. You just pay your dues?

Mr. SOLAN. I just pay my dues to the organization and do not take any active part in it at all. Since I have been elected to the board I have attended only one meeting.

The CHAIRMAN. Well, Mr. Solan, what connection have you with this central organization that Mr. Harvey has told us about?

Mr. SOLAN. Well, we are affiliated with that, to the best of my knowledge, like a conference.

The CHAIRMAN. And you, personally?

Mr. SOLAN. None whatever.

The CHAIRMAN. You have no connection with that?

Mr. SOLAN. I am just a member of the federation. There are two associations—the Federation of Liquor Dealers' Association and the National.

The CHAIRMAN. What connection did you have with this excise legislation when it came up?

Mr. SOLAN. None whatever.

The CHAIRMAN. Do you mean personally?

Mr. SOLAN. None whatever.

The CHAIRMAN. Did you attend the hearings?

Mr. SOLAN. I have not attended a meeting for seven months.

The CHAIRMAN. I mean prior to that time. Did you ever attend any of the hearings before the Senate committee?

Mr. SOLAN. No, sir.

The CHAIRMAN. Did you have any personal representative there?

Mr. SOLAN. None whatever. I left it entirely to the active working element of the organization.

The CHAIRMAN. And took no part in it?

Mr. SOLAN. No active interest in it myself.

The CHAIRMAN. Have you at any time had any connection with this, any official connection with this central board, or central organization, or whatever it is?

Mr. SOLAN. No; none whatever. I know of them and their existence, but I have been in the Salesmen's Association and the Jobbers' and the Mercantile Association, but I have never been delegated or never been a representative of my organization in conference with them.

The CHAIRMAN. Did you know at the time anything of this loan that has been testified to in your presence by Mr. Harvey which was made to Mr. McDermott?

Mr. SOLAN. I did not.

The CHAIRMAN. When did you first learn of that, Mr. Solan?

Mr. SOLAN. About one day last week; I could not tell you the date.

The CHAIRMAN. How did you learn that? Do you remember?

Mr. SOLAN. Well, it was talked of in my place of business.

The CHAIRMAN. It was talked of in your place of business by some one; by whom?

Mr. SOLAN. By some member of the organization.

The CHAIRMAN. By some member of the organization?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. That was the first information you have ever had of it?

Mr. SOLAN. That was the first information I had of it.

The CHAIRMAN. And, of course, you had nothing to do with the making of the loan?

Mr. SOLAN. Nothing whatever.

The CHAIRMAN. Did you know Mr. McDermott?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. SOLAN. About five years—about four years.

The CHAIRMAN. Since he became a Member of Congress?

Mr. SOLAN. Yes, sir.

The CHAIRMAN. Did you ever loan him any money personally?

Mr. SOLAN. No, sir; he never asked me for any money or never intimated anything of the kind.

The CHAIRMAN. What character of transactions, if any, did you have with Mr. McDermott?

Mr. SOLAN. Nothing but a friendly character. I have asked Mr. McDermott to do me a personal favor at one time, endeavoring to get a sister-in-law transferred from the Bureau of Engraving and Printing to the Treasury Department, which he used his best endeavors to do.

The CHAIRMAN. Did you ever discuss with him this legislation?

Mr. SOLAN. Never mentioned the matter to my knowledge at all. I have never been in his company at all except just going after a favor.

The CHAIRMAN. You called on him in his office and asked of him a favor?

Mr. SOLAN. Yes; I called on him in his office. I thought there was an opportunity, and he being really the only Member of Congress that I am acquainted with, or was acquainted with, why, I naturally called on him, and he endeavored to get this lady transferred from the Bureau of Engraving and Printing to the Treasury Department.

The CHAIRMAN. Did Mr. McDermott ever ask you for any favor or any accommodation of any character?

Mr. SOLAN. No, sir.

The CHAIRMAN. Do you know of any loans to any other Member of Congress?

Mr. SOLAN. No, sir.

The CHAIRMAN. Are there any other questions the members of the committee wish to ask?

You will be excused, Mr. Solan, and if the committee should desire your attendance at any time you will be so advised.

Mr. SOLAN. All right, sir.

TESTIMONY OF W. A. FOSTER.

The CHAIRMAN. Mr. Foster, I understand that you desire to make a statement. Do you desire to make it to-day?

Mr. FOSTER. I might as well make it to-day.

(The witness was duly sworn by the chairman.)

Mr. FOSTER. I wish to explain to the committee that there might possibly be tears in my eyes and in my voice, but it is due to the fact I have a very sick wife, and I have not had a bit of sleep since the night I read the account of Mr. Johnson's attack—I mean in the paper. But I can assure you that my mind is perfectly clear outside of that. And if I may state what I want to——

The CHAIRMAN. Certainly, Mr. Foster. Have you taken occasion to read Mr. Johnson's testimony in full?

Mr. FOSTER. I read it here. Can I have it here and answer it in that way with your permission?

The CHAIRMAN. Certainly, Mr. Foster.

Mr. FOSTER. The conditions make me a very excellent subject for an investigating committee of Congress.

The CHAIRMAN. If you do not desire to make your statement this afternoon, Mr. Foster, you need not do so.

Mr. FOSTER. I am glad to do it. I am glad to get it through.

The CHAIRMAN. I do not know that the committee has anything they desire to ask you—that is, without your statement being made. So that it is just a matter of a favor to you. And if you desire it, you may defer it until another time.

Mr. FOSTER. No, sir; I desire to make it now.

The CHAIRMAN. Do you desire a copy of the testimony before you make your statement?

Mr. FOSTER. I was only going to make it as it was in that statement; that is all.

I will state to the committee that I had an intention to defend myself; but I came to the conclusion, very quickly, that it was impossible for me, with my intelligence, to compete with a Member of Congress; and I have no intention now of dong so; and if any defense whatever is made, it is going to be the defense of the committee for me, rather than I defending myself, because I am going to let the cards lie as they lie. Only there are some things that I think, in all fairness and justice, that I should swear to.

The CHAIRMAN. Certainly, Mr. Foster, you shall have full opportunity to make any statement of fact that you desire to make—that is, if it is relative to this matter that we have under investigation.

Mr. STAFFORD. You may proceed.

Mr. FOSTER. I will state to the committee that I believe, personally, I am testifying in the belief that this is the worst blow that I have ever received in 55 years of life.

The CHAIRMAN. Mr. Foster, if I can help you out by making a statement of my recollection of what Mr. Johnson said in respect to you, I would be glad to do so.

Mr. FOSTER. No; I would rather, if you will allow me, read his testimony. I did not intend to, and will not unless circumstances arise which require my doing so, place any documents in evidence. But upon my return home, last evening, my wife told me she had discovered something that would be of service, and I told her I did not consider I had a chance in the world, but, at her request, she suggested my getting this, and I am going to file this with the committee [indicating].

Mr. Johnson stated:

* * * Shortly after I became chairman of the committee, Capt. C. C. Calhoun, formerly of Kentucky, and now a resident of the District of Columbia, came to me at the Corcoran Hotel, where I was then boarding, and asked me if a man by the name of Foster had presented to me a letter from him [Calhoun]. I told him he had not. He said that a man by the name of Foster, whom he knew slightly, had come to him and wanted a letter of introduction from him [Calhoun] to me, and that he asked him what he wanted with it, and he said he wanted to make an application for the clerkship of the District Committee. Capt. Calhoun said that he gave the letter with some hesitation and perfunctorily, and that he had come to see me for the purpose of saying that he knew little or nothing about Mr. Foster, and to request me to pay no attention to his letter. That is not particularly significant unless the significance came later.

I wish to file here a letter of introduction from Mr. C. C. Calhoun to Mr. Ollie M. James. I will read it:

[Law offices, C. C. Calhoun, Evans Building.]

WASHINGTON, D. C., *April 4, 1911.*

Hon. OLLIE M. JAMES,
House of Representatives, Washington D. C.

MY DEAR MR. JAMES: This will introduce to you Mr. W. A. Foster, whom I have known for a number of years, who is a resident of the District of Columbia, and who has become quite familiar with the affairs of the District. Mr. Foster desires to discuss some matters with you which he will explain to you, as I am not familiar with them.

I congratulate you and the party upon Saturday's caucus.

Thanking you for such consideration as you may be able to give Mr. Foster, and with all good wishes, I am,

Faithfully, yours, C. C. CALHOUN.

I would like to file that answer to that with the committee, and then I will leave the matter between Mr. Calhoun and Mr. Johnson in that regard. I would like to have the letter returned to me.

The CHAIRMAN. It will be copied into the record and returned to you.

Mr. FOSTER. Mr. Calhoun, as I stated yesterday, I know to be a seemingly perfectly honest man, and that may be true as he might have done that, but I believe that this was with regard to an application I might make, as far as I remember, for the position of secretary to the District Committee.

The CHAIRMAN. You did make application for the secretaryship, did you?

Mr. FOSTER. I asked him if he was going to have an opening for that, and he, I think, told me that Mr. Gore, as he stated—what he had stated that way is probably true. I don't remember exactly what it was.

Mr. Johnson also stated:

He then asked me how much the position paid. I told him $2,500. * * * He then stated to me that if he could be made clerk of the committee he would guarantee a position for Mr. Gore paying $3,000 a year, and I told him that it

was not worth while to discuss it, that I wanted Mr. Gore and did not want anybody else.

I leave it to the committee to judge whether it is an easy thing to get—for a man to apply for a place that can get another man in Congress; and the Congressmen all know how easy it is to get $3,000 jobs, and they may testify to that same thing.

The CHAIRMAN. What are the facts about it? Did you state you could obtain a position for Mr. Gore that would pay him $3,000? What was said about that?

Mr. FOSTER. It would sound like that is what a crazy man would say. The commitee can judge whether I have intelligence or not. I do not believe I did. I may have done so, and my impression may be wrong on the matter, but it does not sound like common sense to me.

The CHAIRMAN. What is your business, Mr. Foster?

Mr. FOSTER. Broker.

Mr. CLINE. What kind of broker? What kind of brokerage business do you do?

Mr. FOSTER. Do you——

The CHAIRMAN. Yes; let us know something about that. The committee, of course, is not acquainted with you.

Mr. FOSTER. Well, I last year sold a house, for which I received a commission, for $25,000 to Mr. James T. Lloyd.

The CHAIRMAN. We do not care about the amounts; just a general statement of what your business is.

Mr. FOSTER. Simply that of a broker. That is what I state here.

The CHAIRMAN. Have you any other business besides that, as a real estate broker?

Mr. FOSTER (after a pause). Well, I can not answer that. I sometimes have dealt in stocks, bought wheat and grain and speculated somewhat.

Here is something in regard to the matter of Mr. Horning which was brought up yesterday. Mr. Johnson's memory, I will have to say, is a little bad in regard to one thing. I met Mr. Horning, and because of the fact or, probably the fact, of his (Mr. Johnson's) name and mine being in the newspapers in regard to aviation matters, he asked me if I could get him a hearing before Mr. Johnson. I told him (this was in the neighborhood of 11 o'clock)—I told him I did not know; that I would go and ask Mr. Johnson, and that I would meet him at Harvey's at 1 o'clock. I came up and asked Mr. Johnson, and he told me, as I understand it and as I remember it, to bring him along; I suppose, as I remember now, making the engagement at 11 o'clock the following day. At 11 o'clock the following day I took Mr. Horning up—oh, I returned and met Mr. Horning at Harvey's, and in the same room was Mr. Dyer, and Mr. Horning explained to me at that time his reason for wishing to see Mr. Johnson. He pointed out Mr. Dyer and I think Mr. Dyer said, "How do you do?" to him. I don't remember; I think so. The following morning I brought him up and introduced him to Mr. Johnson. The conversation I do not altogether remember, but it was in regard to him—it was in regard to a hearing for the pawnbrokers, and Mr. Johnson refused it. He went out—I do not intend; I intended to bring witnesses, but I do not intend to call any witnesses now—and I left Mr. Horning and he went back down town and I went over to the Capitol.

But I can tell the committee how they, if they choose, can get at the facts of what it was.

Mr. STAFFORD. What facts, Mr. Foster?

Mr. FOSTER. Facts in regard to Mr. Johnson's statement that he and I had trouble that day.

Mr. STAFFORD. The committee, I think, Mr. Chairman, is only interested in the Horning incident. That is the only thing that is relevant to this matter.

Mr. FOSTER. I wish to state in regard to that little trouble in the subway, which has since been apologized for, that Mr. Martin Dies was there, and Mr. G. G. Lincoln, of the Star. It was some time later and it was not in regard at all to pawnbrokers, but was in regard to universal transfers. Mr. Johnson has been mistaken in his memory in regard to that matter. His memory is not very good.

The CHAIRMAN. Was it on that same day?

Mr. FOSTER. No, sir; it was not at the same day at all; and if it is looked up by this committee it will discover at that time Mr. Johnson——

Mr. STAFFORD. As I recall Mr. Johnson's testimony on that point, he did not intend or did not attempt to connect that with anything connected with the pawnbrokers' incident.

Mr. FOSTER. So he stated here, sir; if you will read the testimony, sir. If you will read the testimony, sir, you will discover he has so stated that here. He is simply mistaken.

Mr. STAFFORD. I may be mistaken.

Mr. FOSTER. Yes.

Mr. FERRIS. Mr. Chairman, perhaps I am duller than the rest, but I can not get the drift of this matter. May be, if there is no objection, I can by asking a few questions. I heard Mr. Johnson's testimony, but I did not hear this gentleman yesterday. What is the particular grievance here; what is the end to be accomplished in this investigation?

The CHAIRMAN. The chairman will state very frankly, Mr. Ferris, that he does not understand really (if you want an opinion from the chairman about it, I am willing to give it now) that Mr. Johnson intended any reflection. I think Mr. Foster has taken it a great deal more seriously than anybody else.

Mr. FOSTER. Nobody knows the injury to me in my mind.

The CHAIRMAN. These statements Mr. Johnson made, I think, Mr. Foster, were not intended by him to reflect on you in any way.

Mr. FOSTER. The fact remains that they have.

The CHAIRMAN. And so far as I am concerned, as one member of the committee, I do not see very much that reflects upon you.

Mr. FOSTER. I do not see why they should hunt for minnows when there are so many whales around.

The CHAIRMAN. Mr. Foster seems to think there was something in there he wanted to make some statement about, and really I am permitting him to proceed as a matter of privilege more than anything else.

You can go ahead now, Mr. Foster, and make your statement.

Mr. FOSTER. He was simply mistaken. I think it is all a mistake, and I am perfectly positive that Mr. Johnson would not have——

The CHAIRMAN. As a matter of fact, there was some unpleasantness occurred between you in the subway, was there not?

Mr. FOSTER. Yes, sir; and an apology.

The CHAIRMAN. And later apologized for?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Whether it was about the Horning matter or universal transfer matter, it did occur?

Mr. FOSTER. Yes, sir.

Mr. FERRIS. Why doesn't that wind it up?

Mr. FOSTER. It would be all right if there was no injury done to me, if you are certain he did not intend to do so.

The CHAIRMAN. Later there was an apology for that, and Mr. Johnson so stated here.

Mr. CLINE. Ought Mr. Johnson to go further than that to rectify any injury he has done you?

Mr. FOSTER. I do not see why that was brought out. I have no recollection of—in fact, he says he relieved me from anything.

The CHAIRMAN. Did you in fact, Mr. Foster, have any connection with the pawnbrokers? Do you represent them in any way?

Mr. FOSTER. Except to bring Mr. Horning up and introduce him that morning; and Mr. Johnson will say I never had any connection back with him there at all.

The CHAIRMAN. Was that done just as a friendly act?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Or were you acting as a representative in any way of Mr. Horning or the pawnbrokers?

Mr. FOSTER. No, sir; not in any way. It was done just as a friendly act to Mr. Horning.

The CHAIRMAN. How long have you known Mr. Horning?

Mr. FOSTER. I don't know that I can say that; probably two or three—I had known him possibly a year or two before; I can not say just exactly that.

The CHAIRMAN. And you say it was just as a friendly act and for no other reason?

Mr. FOSTER. Absolutely. I swear it was for that fact.

The CHAIRMAN. You say you did desire at one time to obtain the appointment, if you could get it, as clerk of the District Committee. Did you have any special reason for that?

Mr. FOSTER. None. That was before this matter of Mr. Horning's at all, and it was simply because I considered it would be a fair appointment to fill if I was able to obtain it.

The CHAIRMAN. What interest were you taking in the universal transfer question?

Mr. FOSTER. I do not think this committe would care for that. I don't want to avoid it at all, but I was connected a great deal in that affair. I have evidence of that, but I would prefer not to go into it, and I assure you the committee can possibly have nothing to do with that question here. I think Mr. Johnson will bear me out in that.

The CHAIRMAN. The only reason I referred to the matter was because you say it was about the universal transfer business rather than the Horning matter that the unpleasantness occurred?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. So I thought it was very proper to ask what you were doing about that.

Mr. FOSTER. I was one of the committee that had that in charge at that time.

The CHAIRMAN. Were you a representative of the citizens' committee here?

Mr. FOSTER. No; I was with the chamber of commerce—yes, a representative of that citizens' federation.

The CHAIRMAN. Were you opposed to universal transfers?

Mr. FOSTER. No; the other way.

The CHAIRMAN. You were in favor of universal transfers?

Mr. FOSTER. I was in favor of the universal transfer; yes, sir. I thought the people of this city ought to have the transfers.

The CHAIRMAN. Were you receiving any compensation to work for that?

Mr. FOSTER. No, sir; not a dollar.

The CHAIRMAN. But you were representing a public body here, were you, in the work you were doing?

Mr. FOSTER. Absolutely, sir.

The CHAIRMAN. And you say to the committee that what you were doing was what you regarded as in the public interests?

Mr. FOSTER. That is exactly it, sir—purely that. I have had nothing further to do with it since that time in any way, and I have no criticisms to make of anybody in regard to this matter at all. It was the only piece of legislation I had anything to do with at all in the District.

The CHAIRMAN. I asked you a moment ago what your reasons were for seeking the secretaryship of the District Committee, whether you had any reasons other than a desire to hold the place and get the salary as clerk of the District Committee?

Mr. FOSTER. That is all.

The CHAIRMAN. That was your only reason?

Mr. FOSTER. That was the only one; yes, sir.

The CHAIRMAN. You started yesterday to ask some questions about those trips out to the aviation field in company with Mr. Johnson. There is nothing to that, is there, except what Mr. Johnson really testified to, that he went out there with you a time or two?

Mr. FOSTER. That is right.

The CHAIRMAN. And there is nothing in that in any way that reflects upon you, is there?

Mr. FOSTER. Not that I know of. I do not think he would say there is.

The CHAIRMAN. And really, whatever there was to disturb the relations between you and Mr. Johnson at one time, they were restored?

Mr. FOSTER. I think it was purely a question of momentary temper.

The CHAIRMAN. I say that however much the relations may have been disturbed, they were entirely restored, were they not?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Mr. Johnson is not that type of man who, if he felt he did not believe in one, would be calculated to go around with him very much?

Mr. FOSTER. So far as I have seen and heard, since he has been here, Mr. Johnson has been perfectly sound in regard to the position he has taken.

The CHAIRMAN. Do you remember whether the trip was before or after the quarrel?

Mr. FOSTER. I think it was afterwards.

The CHAIRMAN. Afterwards?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. And of course his apology followed the quarrel some time after it occurred?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Now, really, Mr. Foster, is there anything else in this matter?

Mr. FOSTER. I know of nothing there, unless there are some questions by the committee.

Mr. CLINE. Did you say you were a stockbroker?

Mr. FOSTER. No; I did not say I was a stockbroker; I said I was a broker.

Mr. CLINE. What did you say? Have you dealt in stocks?

Mr. FOSTER. I have bought some wheat and corn and grain, and in that way have tried to provide for my wants, which are not large. For my apartment I pay $14 a month.

Mr. CLINE. You mean you were an operator on the board?

Mr. FOSTER. No; I have at times, whenever I thought I could buy something or sell something and make something out of it.

Mr. CLINE. You are in the real estate business?

Mr. FOSTER. Yes; if I thought I could sell you a house, I would be glad to do so.

Mr. CLINE. You would not sell me anything, because I could not pay for it.

Mr. FOSTER. I would do the best I could.

Mr. CLINE. What house did you sell to Mr. Lloyd?

Mr. FOSTER. I wish you would not go into that, because that is something that is entirely foreign and will not get anywhere.

Mr. CLINE. All right.

Mr. FOSTER. I sold six houses for Mr. Willige, and Mr. Willige committed suicide and I never got a cent of commission. I explain that to you because it is perfectly clear and fair.

Mr. CLINE. That is a dangerous business if that is the way it turned out.

Mr. FOSTER. Yes, sir.

The CHAIRMAN. Mr. Foster, unless there is some other statement you care to make, if there is anything personal in here you desire to make an explanation of, for which you shall have opportunity——

Mr. FOSTER. That is all.

The CHAIRMAN (continuing). I repeat again, I think you have taken seriously what was not intended to reflect upon you.

Mr. FOSTER. I know the injury positively to myself is much more than the committee can ever dream of it being.

The CHAIRMAN. Of course the committee is not responsible for what appeared in the newspapers, nor is Mr. Johnson responsible. He is responsible only for the testimony as given before the committee. Have you anything further you care to say?

Mr. FOSTER. There is nothing further I care to say, sir.

The CHAIRMAN. The committee desires at this time to hold a short executive session.

(Thereupon, at 4.30 o'clock p. m., the committee went into executive session, at the conclusion of which an adjournment was taken until Monday, August 25, 1913, at 10 o'clock a. m.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Monday, August 25, 1913.

The committee met at 10.15 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present also: Representatives Cline, Russell, Ferris, Stafford, and Willis.

The CHAIRMAN. The committee will be in order.

Mr. EASBY-SMITH. Mr. Chairman, I should like to ask the indulgence of the committee this morning to call one of Mr. McDermott's witnesses, Mr. Arthur West, who has been subpœnaed here from Ohio, and I think that it is important to him that he should return to his employment as soon as possible. He will be a brief witness, I think.

The CHAIRMAN. If there is no objection, the request of Mr. Easby-Smith will be granted. Mr. West, will you take the stand?

TESTIMONY OF MR. ARTHUR WEST, OF DAYTON, OHIO.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. Mr. West, will you state your full name?

Mr. WEST. Arthur West.

Mr. EASBY-SMITH. And your place of residence?

Mr. WEST. Dayton, Ohio.

Mr. EASBY-SMITH. Your business?

Mr. WEST. I am advertising manager of the Dayton Engineer Laboratories Co.

Mr. EASBY-SMITH. Do you know Mr. James T. McDermott?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. How long have you known Mr. McDermott?

Mr. WEST. I have known him since the summer of 1906.

Mr. EASBY-SMITH. Were you ever his secretary since he has been in Congress?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. When did you first become his secretary?

Mr. WEST. In December, 1907.

Mr. EASBY-SMITH. December, 1907?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. And how long did you continue to be his secretary?

Mr. WEST. Until August, 1909.

Mr. EASBY-SMITH. During that period what salary did you receive, Mr. West?

Mr. WEST. $125 a month.

Mr. EASBY-SMITH. Do you know Mr. McMichael?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Will you state whether or not during the period from the 1st of December, 1907, until the end of August, 1909, he ever acted as Mr. McDermott's secretary?

Mr. WEST. He did not.

Mr. EASBY-SMITH. Will you state who attended to the mail, correspondence, and other business of Mr. McDermott during the period we have mentioned?

Mr. WEST. I took care of all of his mail and correspondence.

Mr. EASBY-SMITH. During that period?

Mr. WEST. In that period.

Mr. EASBY-SMITH. Mr. West, did you ever hear of Mr. Mulhall?

Mr. WEST. No, sir.

Mr. EASBY-SMITH. Do you know Mr. Mulhall?

Mr. WEST. I saw Mr. Mulhall for the first time yesterday.

Mr. EASBY-SMITH. After having left Mr. McDermott's employ in August, 1909, where did you go?

Mr. WEST. I went to work for the Chicago Tribune.

Mr. EASBY-SMITH. Did you ever return to Washington after that, to stay any definite period?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. When?

Mr. WEST. In March, 1911.

Mr. EASBY-SMITH. March, 1911. I believe you came here and went to work on the Washington Times?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. How long were you employed on the Times from March, 1911?

Mr. WEST. From March, 1911, until September, 1912.

Mr. EASBY-SMITH. During that period, Mr. West, did you ever see Mr. McDermott?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Frequently, or not?

Mr. WEST. Frequently.

Mr. EASBY-SMITH. Where?

Mr. WEST. Oh, I saw him in his office; I saw him down town; I saw him at Fritz Reuter's Hotel, and I saw him at several places.

Mr. EASBY-SMITH. Will you state what time of the day you would see Mr. McDermott at Fritz Reuter's?

Mr. WEST. I usually saw him there about half past three in the afternoon. I usually walked home from my work at the Times, and if his automobile was standing in front of Fritz Reuter's I usually went in and had a talk with him.

Mr. EASBY-SMITH. Do you ever remember seeing Mr. McDermott at Fritz Reuter's after night, after dinner time?

Mr. WEST. I have no positive recollection of seeing him there after supper, but I would say, though, that I have seen him there at night; but not many times.

Mr. EASBY-SMITH. Where was Mr. McDermott's office during the period you were here from March, 1911, until September, 1912?

Mr. WEST. Part of the time it was in the Congress Hall Hotel, prior to the opening of the House Office Building. After that it was in room 323, in this building.

Mr. EASBY-SMITH. Did you frequently see him in his office, Mr. West?

Mr. WEST. During that period?

Mr. EASBY-SMITH. Yes.

Mr. WEST. Yes, sir; every day.

Mr. EASBY-SMITH. Do you remember who was his secretary during that period?

Mr. WEST. I was.

Mr. EASBY-SMITH. I mean from March, 1911, now, until September, 1912.

Mr. WEST. Ah, I misunderstood your last question, then.

Mr. EASBY-SMITH. I asked you were you frequently in Mr. McDermott's office during the last period you were in Washington?

Mr. WEST. Yes, sir. I did not mean to answer that "every day," like I did answer it.

Mr. EASBY-SMITH. Who was his secretary during that period, if you know?

Mr. WEST. I do not remember anybody except the young lady who is his present secretary. Miss Blakney, I believe her name is.

Mr. EASBY-SMITH. Do you know Mr. Shaw?

Mr. WEST. Yes; I know Mr. Shaw. I believe part of the time he was his secretary, too.

Mr. EASBY-SMITH. Do you remember Mr. Nichols?

Mr. WEST. No, sir.

Mr. EASBY-SMITH. Do you remember Miss Kimball?

Mr. WEST. Not by name.

Mr. EASBY-SMITH. You simply remember Miss Blakney, his secretary?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. During that period, Mr. West, from March, 1911, to September, 1912, did you ever see or hear of Mr. Mulhall?

Mr. WEST. No, sir; I never did.

Mr. EASBY-SMITH. Did you ever hear of Col. Mulhall prior to this newspaper notoriety?

Mr. WEST. No, sir.

Mr. EASBY-SMITH. Did you see Mr. McMichael during that period, from 1911 to 1912?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Where?

Mr. WEST. I saw him in Mr. McDermott's office and I saw him about town and I saw him in Fritz Reuter's Hotel and other places.

Mr. EASBY-SMITH. I want to inquire, Mr. West, concerning a room in the Capitol, room 27, which, in the Congressional Directory, was assigned to Mr. McDermott, I believe, from the early part of the year 1911; did you, in conjunction with any person ever occupy room 27?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. State, if you please, the location of that room.

Mr. WEST. Room 27 is just at the left of the main stairway in the Capitol, going down toward the basement; the first room to the left as you reach the bottom of the stairs.

Mr. EASBY-SMITH. Diagonally across——

Mr. WEST. Diagonally across from Mr. Elliott's office—Mr. Elliott Woods's office.

Mr. EASBY-SMITH. The superintendent of the Capitol?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Are you familiar with the location of room 29?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. That is the next room to the south?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. You say you occupied room 27?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Do you ever recall having been in room 29?

Mr. WEST. I have been there probably altogether three or four times.

Mr. EASBY-SMITH. Yes. I will interrogate you about that later. Will you state, Mr. West, under what circumstances you occupied Room 29?

Mr. WEST. Well, I was associated in newspaper work with another gentleman here.

Mr. EASBY-SMITH. State who that was.

Mr. WEST. That is, outside of my work on the Times.

Mr. CLINE. Who was it?

Mr. WEST. Mr. Clyde Tavenner.

Mr. EASBY-SMITH. With Mr. Tavenner in newspaper work?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Now, will you state, as nearly as you can fix it, Mr. West, when you and Mr. Tavenner worked in that Room 27?

Mr. WEST. We went in there either in the late fall or early winter of 1911. I can not fix the exact date.

Mr. EASBY-SMITH. How long, during the day, were you in that room, Mr. West?

Mr. WEST. I went in there every day, practically, after I got through with my work on the Times at 3 o'clock, and I was there every evening. I had one day off a week at the Times, and I was there usually all of that day, or nearly all of the day.

Mr. EASBY-SMITH. Did you ever have any clerk in Room 27, during the day?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Who was it?

Mr. WEST. Miss Frances Rote?

Mr. EASBY-SMITH. How long did she remain in that room during the day?

Mr. WEST. She usually came down about 9 or 10 o'clock, and was there until evening.

Mr. EASBY-SMITH. Will you state whether or not during the day, when you and Mr. Tavenner were there, or when Miss Rote was in the room, the door remained closed or open?

Mr. WEST. It was always open.

Mr. EASBY-SMITH. Will you state the occasions and reasons for your entering Room 29, the next room? I believe there was no communicating door between 27 and 29; is that true?

Mr. WEST. That is true.

Mr. EASBY-SMITH. Now state, if you please, the circumstances of your going into that room?

Mr. WEST. When we went into Room 27 there was not a very good table in there. I understood Mr. McDermott had a key to Room 29. I do not know how I came to that understanding, but I just remember I understood that to be the fact. So one day I asked Mr. McDermott, shortly after we had gone into that room, if he would give us a key to Room 29 so we could exchange the table in Room 29 with the table in our room, and he did. On another occasion, I asked for the key in order to get a waste basket out of the room. On still another occasion I asked for the key to get a fan out of Room 29.

Mr. EASBY-SMITH. Have you any manner of fixing, approximately, the time when you entered Room 29

Mr. WEST. I can only remember the first time I went in there was immediately after I went in Room 27.

Mr. STAFFORD. When was that?

Mr. WEST. As I said, that was either in the late fall or early winter of 1911. When I went in there after the fan, it must have been the following spring.

Mr. EASBY-SMITH. Will you state the condition of the room on the three occasions when you entered it, with respect to its condition, its appearance as to whether or not it was being occupied or had been recently occupied?

Mr. WEST. Well, there were several documents in there—there was a large pile of documents that reached clear up to the windows; the chairs were in general disorder and were piled up with books and things, and the room had the general appearance of disorder and disuse.

Mr. CLINE. You are talking about Room 29?

Mr. WEST. Room 29; yes, sir.

Mr. EASBY-SMITH. Was that true on each of your visits to it?

Mr. WEST. I have not any distinct recollection during my later visits there; that was its appearance during my first visit there.

Mr. EASBY-SMITH. Did you know, Mr. West, if Mr. McDermott had a key to Room 29?

Mr. WEST. No, sir.

Mr. EASBY-SMITH. You did not know at that time anything about his committee assignments?

Mr. WEST. No, sir.

Mr. EASBY-SMITH. Will you state whether or not during that period you ever saw Mr. Mulhall in either one of those rooms or anywhere in that locality in the Capitol?

Mr. WEST. No, sir; I never saw Mr. Mulhall anywhere.

Mr. EASBY-SMITH. Did you ever see Mr. McMichael?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. Did you ever see him enter Room 29?

Mr. WEST. I never saw him enter Room 29, but I did see him pass our door going in that direction probably two or three times.

Mr. EASBY-SMITH. During the entire period?

Mr. WEST. During the entire period.

Mr. EASBY-SMITH. Prior to your and Mr. Tavenner's going down to Room 27, will you state whether or not you and he had been doing any work in Mr. McDermott's office room?

Mr. WEST. Yes, sir; we had.

Mr. WILLIS. Which room is that?

Mr. WEST. That is, his room here in the House Office Building.

Mr. EASBY-SMITH. His room here in the House Office Building. And you went from there and carried your work down into Room 27?

Mr. WEST. Yes, sir.

Mr. STAFFORD. How long had you been doing work in Mr. McDermott's office in the House Office Building before you moved to Room 27?

Mr. WEST. From about the middle of the summer, 1911, until we went into the room in the Capitol. I can not fix the date exactly.

Mr. WILLIS. By what authority did you get the use of room 27, Mr. West?

Mr. WEST. I remember one day Mr. Tavenner and I were walking over toward the Capitol and met Mr. McDermott out here in the street, and he asked us if we did not want him to get us a room in the Capitol to carry on our work. We told him we had no objection if he could get us such a room, and he said he would. Just about the same time Mr. Tavenner expressed the opinion that he did not want to be under obligations to Mr. McDermott, and so he and I both went to Mr. Jerry South and we asked him if we could not have that room. He told us the room was officially assigned to Mr. McDermott, but so far as he knew Mr. McDermott did not have any use for it, and we could go in there, and he would give us a key if we wanted it.

Mr. WILLIS. Then, did you get the key from Mr. McDermott?

Mr. WEST. We got some keys—no; not from Mr. McDermott. We got some keys from Mr. South. I believe we got some keys, but I know we never used the keys. The door was generally unlocked and open all the time; but we did have a key between us.

Mr. EASBY-SMITH. Mr. West, do you ever remember having seen Mr. McDermott in room 27 that you and Mr. Travenner were occupying?

Mr. WEST. I have no distinctive recollection of having ever seen him there, although I could not say positively I had not seen him there.

Mr. EASBY-SMITH. Did you ever see Mr. McDermott in room 29?

Mr. WEST. No, sir; never.

Mr. STAFFORD. When were the two other times that you had occasion to go into room 29?

Mr. WEST. One of them——

Mr. STAFFORD. You say the first was shortly after you took occupation of room 27?

Mr. WEST. Yes.

Mr. STAFFORD. When were the other two, if you recollect?

Mr. WEST. When I went in there that time to get the table I saw a lot of waste baskets and chairs, and so on, in there that were not being used. Later on we had occasion to get some waste baskets and I suggested to Mr. McDermott that he give me the key and let me get some out of that room.

Mr. STAFFORD. How long after was that?

Mr. WEST. That I can not remember. Well, later on I remember also having seen a fan in there and I asked him for the key to get the fan, and he gave it to me. That must have been during the summer, because I would not have wanted the fan in the winter.

Mr. STAFFORD. Was the condition of room 29 on those two occasions as it was when you first went in there?

Mr. WEST. It was just about the same. There might have been some little difference. The chairs had been moved around, and then besides there were a couple of girls in there doing some work during the latter part of the period we were in room 27.

Mr. STAFFORD. It was occupied, you say?

Mr. WEST. Yes, it was occupied; yes, sir.

Mr. STAFFORD. Did you notice any changes so far as the books being stored there is concerned?

Mr. WEST. I did not notice any. I just went in and came right out again.

Mr. STAFFORD. When did you first notice there were two girls employed in room 29?

Mr. WEST. To the best of my recollection I first noticed that just early last spring. I went with Tavenner in September of last year out to Illinois, in his campaign out there, and came back to Washington along in January, and it was after I came back I noticed those two girls in there. Those same two girls later on went to Mr. McDermott's office over here.

Mr. STAFFORD. They were connected with Mr. McDermott's office?

Mr. WEST. Yes, sir; they were addressing envelopes over there.

Mr. STAFFORD. They were under his employ over there?

Mr. WEST. Yes, sir.

Mr. STAFFORD. When you saw them there in room 29 were they engaged in addressing envelopes?

Mr. WEST. Yes, sir; they were engaged in addressing envelopes.

Mr. STAFFORD. You never saw Mr. McMichael in that room?

Mr. WEST. I never saw him in the room. As I say, I have a recollection of seeing him going past our door two or three times in that direction, but I never saw him in the room.

Mr. STAFFORD. You made it a rule to drop in to see Mr. McDermott in Fritz Reuter's Hotel in the afternoon about 3.30?

Mr. WEST. If I saw his little car standing out in front, I usually stopped there for a few minutes and talked with him.

Mr. STAFFORD. How often did you have occasion to stop in Fritz Reuter's in the evening when you happened to see him?

Mr. WEST. I very seldom went near Fritz Reuter's in the evening. I do remember of seeing him there, however, probably not to exceed three or four times in all my acquaintance with Mr. McDermott.

Mr. STAFFORD. Would he be alone on those occasions?

Mr. WEST. He would usually be standing around the bar there, or else in the little dining room with Mr. McMichael or some other of his friends whom I did not know.

Mr. STAFFORD. You do not know whether Mr. Mulhall was among the party or not?

Mr. WEST. I kind of believe I would have remembered Mr. Mulhall. Since I have seen him I kind of think I would remember him, but I do not remember of seeing him there.

Mr. STAFFORD. Did you ever see the "Count" down there?

Mr. WEST. No, sir; I did not know any of Mr. McDermott's friends except Mr. McMichael.

Mr. WILLIS. Was there a long-distance telephone in room 27?

Mr. WEST. There is a telephone in there. Yes, sir; it can be used for long-distance messages. We had that put in.

Mr. WILLIS. Do you know anything about the telephonic communications for room 29?

Mr. WEST. I never saw any telephone in room 29.

Mr. WILLIS. I want to be sure that I understand which room is which. As you go down the stairway from the west entrance, which is the first room you come to, 27 or 29?

Mr. WEST. No. 27, as you turn to your left going down. There is also an entrance to room 29, you know, on the other side.

Mr. WILLIS. I did not get that.

Mr. WEST. There is an entrance to room 29 on the other side; that is to say, you can get into room 29 without going down that stairway.

Mr. STAFFORD. Are you sure of that?

Mr. WEST. Yes.

Mr. WILLIS. Do you mean to say there are two doors to room 29?

Mr. WEST. No; only one door, but there is an elevator there.

Mr. STAFFORD. Oh, yes; an elevator that leads from upstairs.

Mr. WEST. An elevator that leads from upstairs.

Mr. STAFFORD. There is only one door to room 29?

Mr. WEST. One door; yes, sir.

Mr. STAFFORD. Of course you can say there is another entrance to room 27 also if you come down that way?

Mr. WEST. Oh, yes, sir.

The CHAIRMAN. Is that all?

Mr. FERRIS. I should like to ask one. Do you know Tim Murphy?

Mr. WEST. Yes, sir.

Mr. FERRIS. Did he have a key to that room?

Mr. WEST. Yes, sir.

Mr. FERRIS. You saw him go there pretty often?

Mr. WEST. Yes, sir; I have seen him go by our door; I assumed he was going there.

Mr. EASBY-SMITH. I was going to ask about Mr. Murphy, and overlooked it. Who is Mr. Murphy, if you know, Mr. West?

Mr. WEST. As near as I can identify Mr. Murphy, he is a gentleman from Chicago. I understood he came down here as Mr. McDermott's friend and he worked for a while—the last I knew of him he was a policeman on the House side.

Mr. FERRIS. Are you able to fix the time or date when Mr. Murphy came here with Mr. McDermott?

Mr. WEST. No, sir.

Mr. FERRIS. Now, you saw Mr. Murphy go into room 29?

Mr. WEST. I have seen him go past our door in that direction.

Mr. FERRIS. Do you remember what period that was?

Mr. WEST. As near as I can remember that was during the latter part of the period we used that room. That would be last winter.

Mr. FERRIS. Did you see anybody with him on those occasions, Mr. West?

Mr. WEST. Yes, sir.

Mr. FERRIS. Whom?

Mr. WEST. I do not know who it was.

Mr. FERRIS. Men or women?

Mr. WEST. Women.

Mr. FERRIS. Always?

Mr. WEST. Generally always. I never saw him with any men.

Mr. FERRIS. You spoke of a telephone having been put in room 27, and never having seen a telephone in room 29. Will you state who had the telephone installed in room 27?

Mr. WEST. Mr. Tavenner and I had that put in, as near as I can remember. I remember myself of negotiating with Mr. Jerry South about the telephone.

Mr. FERRIS. There was no telephone in the room when you and Mr. Tavenner were given possession of it.

Mr. WEST. No, sir.

Mr. STAFFORD. Have you done any work for Mr. McDermott since terminating your employment as secretary with him in August, 1909?

Mr. WEST. No, sir. I wrote some political literature, as we call it, for Mr. McDermott since then.

Mr. STAFFORD. When?

Mr. WEST. On two occasions. Mr. McDermott got out what he called a "yearly report." It was in the form of a newspaper page, seven columns wide, just like the front page of a newspaper. I compiled and wrote that for him.

Mr. STAFFORD. When was this?

Mr. WEST. One of them was last spring, and one the previous spring.

Mr. STAFFORD. That one last spring was during his primary campaign fight for renomination?

Mr. WEST. During a primary this last spring, I believe; yes.

Mr. STAFFORD. His fight for renomination was in the spring of 1912?

Mr. WEST. No; I think it was—I wrote one in 1912; yes; and also one in 1913, but they were written without reference to his primary fight. They were just a general review of his work here; his votes and what he had done.

Mr. STAFFORD. I presume they were to be used by him in circulation——

Mr. WEST. Yes, sir; he sent one to every person in his district.

The CHAIRMAN. How long have you been away from Washington, Mr. West?

Mr. WEST. This last time?

The CHAIRMAN. Yes.

Mr. WEST. I went away from here the 18th of April.

The CHAIRMAN. It was just a little while prior to going away that you wrote this last article that you speak of?

Mr. WEST. Yes, sir.

The CHAIRMAN. Now, you said something about this room. When you went to see Mr. South about it he told you it was officially assigned to Mr. McDermott?

Mr. WEST. To the best of my recollection that is what he told us; yes.

The CHAIRMAN. Was that room 27?

Mr. WEST. Yes, sir.

The CHAIRMAN. Who had room 29? Did you make any inquiries about that?

Mr. WEST. No; I did not make any inquiries about that.

The CHAIRMAN. What is the allegation about room 29? I do not know those rooms by numbers. I know the rooms, but I do not know them by numbers.

Mr. EASBY-SMITH. What allegations, Mr. Chairman?

The CHAIRMAN. That room 29 or room 27 was the one that was used by——

Mr. EASBY-SMITH. By Mr. West.

The CHAIRMAN. Mr. West.

Mr. EASBY-SMITH. Room 27, the one on the corner nearest the stairway.

The CHAIRMAN. Is it claimed that that was the same room and the only room Mr. McDermott had there?

Mr. EASBY-SMITH. No; Mr. McDermott, as a member of the Committee on Expenditures in the Department of Commerce and Labor, had access to Room 29 also, and had a key to it, and on two or three occasions had work done there, sending out circulars, documents, etc. That Room 29 is the room Mr. McMichael and Mr. Mulhall have spoken of as the room delivered over to them by Mr. McDermott.

Mr. CLINE. When did you say you occupied the position of secretary to Mr. McDermott?

Mr. WEST. From December, 1907, until the close of the special session in 1909. I think that was about the 1st of August.

Mr. CLINE. Did you become acquainted with Mr. McMichael during that time?

Mr. WEST. Yes, sir.

Mr. CLINE. How did you get acquainted with him?

Mr. WEST. He came to our office nearly every day. He was around there. I never had anything to do with him, but I saw him around there.

Mr. CLINE. Didn't you know he was doing work at that time at Mr. McDermott's office?

Mr. WEST. He was doing work, but not—he was not taking care of any correspondence.

Mr. CLINE. What was he doing?

Mr. WEST. If Mr. McDermott would want seeds or documents, or want errands run, or anything of that kind, he would do that kind of work.

Mr. CLINE. He would not come there every day to get seeds?

Mr. WEST. Not every day to get seeds.

Mr. CLINE. Tell the committee just what Mr. McMichael was doing there at Mr. McDermott's office.

Mr. WEST. In the first place, I would not say he was there every day——

Mr. CLINE. You say nearly every day?

Mr. WEST. Nearly every day; he came in there with Mr. McDermott. I can not remember exactly what he did, but he seemed to have an acquaintance of affairs here that we did not have. He would get documents. If somebody would send us a letter for a book he would tell us where we could get it.

Mr. CLINE. Mr. McDermott knew where to get those things, or his secretary ought to have known that without appealing to an outside man.

Mr. WEST. I did not appeal to him. I could have got them, but if Mr. McDermott asked him to get them he would get them.

Mr. CLINE. Mr. McDermott asked him to get them instead of asking you to get them?

Mr. WEST. Yes, sir.

Mr. CLINE. You were his secretary?

Mr. WEST. Yes, sir.

Mr. CLINE. You had charge of his correspondence?

Mr. WEST. Yes, sir.

Mr. CLINE. You received these applications for documents?

Mr. WEST. Yes, sir.

Mr. CLINE. Why did you not proceed immediately to fill them without referring the matter to Mr. McMichael?

Mr. WEST. I never referred the matter to Mr. McMichael. I could always get them myself, and I got a lot of them.

Mr. CLINE. Why did you not proceed to get them without referring the matter to Mr. McDermott?

Mr. WEST. I did not refer the matter to Mr. McDermott. I always got them unless Mr. McDermott asked Mr. McMichael to get them.

Mr. CLINE. Did you not take charge of the correspondence?

Mr. WEST. Yes, sir.

Mr. CLINE. How did Mr. McDermott know anything about it?

Mr. WEST. I do not pretend to say that Mr. McDermott did not read his letters, but he always knew what the letters contained.

Mr. CLINE. Mr. McDermott is a very busy Congressman, and he would naturally turn those things over to his secretary?

Mr. WEST. Yes, sir.

Mr. CLINE. Do you want the committee to understand that Mr. McMichael during that time did no work for Mr. McDermott except what you have told?

Mr. WEST. I want the committee to understand that Mr. McMichael did not have anything to do with Mr. McDermott's correspondence; that I answered all of Mr. McDermott's letters myself.

Mr. CLINE. Did Mr. McMichael have any access to the correspondence?

Mr. WEST. Yes, sir; he had access to it after it was opened.

Mr. CLINE. Do you know whether he read the correspondence or not, any of it?

Mr. WEST. I do not know that he did, but he very easily could have done so, because it was open on the table.

Mr. CLINE. You do not know whether he did read it or not?

Mr. WEST. No, sir.

Mr. CLINE. You never observed whether he did or not?

Mr. WEST. I have a distinct recollection that he did.

Mr. CLINE. He never went and got any documents or filled requests without referring the matter to Mr. McDermott or you first to know whether he should get them, did he?

Mr. WEST. I was not entirely familiar with the relations between Mr. McDermott and Mr. McMichael. I began objecting to Mr. McMichael's presence around the office almost from the day I got there.

Mr. CLINE. Why?

Mr. WEST. Because I did not like him. As far as I could see he was simply a vulgar, ignorant sort of fellow, and I did not like to have him around.

Mr. CLINE. You did not want to associate with him?

Mr. WEST. No, sir.

Mr. CLINE. But still Mr. McDermott persisted in having him there?

Mr. WEST. Yes, sir.

Mr. CLINE. Why did you not quit if you did not like it?

Mr. WEST. I did, finally.

Mr. CLINE. You say you never knew the colonel until you came in here the other day?

Mr. WEST. Yes, sir.

Mr. CLINE. After you quit Mr McDermott you came back here as a newspaper man for the Washington press?

Mr. WEST. Yes, sir.

Mr. CLINE. Just what was your business, Mr. West? Did you go to the office building gathering up news?

Mr. WEST. No, sir; I was employed inside.

Mr. CLINE. Inside?

Mr. WEST. Inside, at the Times office, on copy work.

Mr. CLINE. Were you up on the hill occasionally, here?

Mr. WEST. I was up on the hill after 3 o'clock, after I got through my work at the Times.

Mr. CLINE. After 3 o'clock you came up here?

Mr. WEST. Yes, sir.

Mr. CLINE. You were a correspondent for outside papers in connection——

Mr. WEST. In conjunction with Mr. Tavenner.

Mr. CLINE. In connection with your work with the Times?

Mr. WEST. Yes, sir.

Mr. CLINE. When did you get into business with Mr. Tavenner?

Mr. WEST. Along in the summer of 1911.

Mr. CLINE. What time in the summer?

Mr. WEST. As nearly as I can fix that date, I came here in March, 1911. I had been working on the New York Herald. I came here in March and worked several weeks on the Times; I do not remember just how many.

Mr. CLINE. You worked first on the Times?

Mr. WEST. Yes, sir; then I went to work right away on the Times. I had known Mr. Tavenner previously in Chicago and also here in Washington. Some time along in the summer he made a proposition to help him in correspondence work, and I accepted——

Mr. CLINE. Can you not give us something a little more definite than that? You say some time along in the summer. What time did you come here to go to work for the Times?

Mr. WEST. In March.

Mr. CLINE How long did you work for the Times then?

Mr. WEST. I worked for the Times then until September of last year.

Mr. CLINE. When did you commence work for the New York Herald?

Mr. WEST. I commenced work for the New York Herald in January, 1910.

Mr. CLINE. 1910?
Mr. WEST. Yes, sir.
Mr. CLINE. Had you completed your work for the Herald?
Mr. WEST. There in New York?
Mr. CLINE. Yes
Mr. WEST. Yes, sir.
Mr. CLINE. Until what time?
Mr. WEST. Up until about the middle of February, 1911.
Mr. CLINE. And after you came back here to work for the Times you went to work for the Herald?
Mr. WEST. I was in the Herald office in New York.
Mr. CLINE. After you came back here in 1911 your only occupation was with the Times and with Mr. Tavenner. Is that right?
Mr. WEST. Yes, sir.
Mr. CLINE. Until late in the fall?
Mr. WEST. Or even after that.
Mr. CLINE. Up to what time?
Mr. WEST. Up until September of last year.
Mr. CLINE. From March, 1911, till September, 1912?
Mr. WEST. Yes, sir.
Mr. CLINE. And some time during the summer—when did you say that was?
Mr. WEST. I came here in March and went to work for the Times. I worked for the Times several weeks, doing nothing else but working for the Times. Some time along there Mr. Tavenner made a proposal that I do some work for him. I can not fix that date——
Mr. CLINE. Can you tell whether it was in April or October?
Mr. WEST. It was neither April nor October. In all probability it was about in July.
Mr. CLINE. About July you commenced working with Mr. Tavenner?
Mr. WEST. Yes, sir.
Mr. CLINE. How soon did you go down into that room after you commenced to work for Mr. Tavenner?
Mr. WEST. Mr. Tavenner and I worked in Mr. McDermott's office in the House Office Building during all that summer; that is, during the recess. Then we went down in that room there in the late fall of 1911 or in the early winter sometime; I would say along about in November.
Mr. CLINE. November, 1911?
Mr. WEST. Yes, sir.
Mr. CLINE. You went down into room 27?
Mr. WEST. Yes, sir.
Mr. CLINE. How did you find out that Mr. McDermott had room 27?
Mr. WEST. He asked us one day if we did not want him to get us a room in the Capitol. We did not know that he had it——
Mr. CLINE. And you had been working in Mr. McDermott's office up to that time?
Mr. WEST. Yes, sir.
Mr. CLINE. Getting out your correspondence?
Mr. WEST. Yes, sir.
Mr. CLINE. To country newspapers?

Mr. WEST. Yes, sir.
Mr. CLINE. You say you went into room 27——
Mr. WEST. What is that?
Mr. CLINE. Is room 27 in the basement?
Mr. WEST. Yes, sir.
Mr. CLINE. And you had a key to that?
Mr. WEST. Mr. Tavenner and I had a key between us. Part of the time he carried it, and part of the time I carried it.
Mr. CLINE. And you got that key from Mr. McDermott?
Mr. WEST. No, sir.
Mr. CLINE. Who did you get it from?
Mr. WEST. As nearly as I can remember we got it from Mr. South.
Mr. CLINE. How did you come to go to Mr. South for it?
Mr. WEST. After we went down there—after Mr. McDermott had spoken to us about that room—that informed us about that room.
Mr. CLINE. Certainly, that would be information that there was a room there.
Mr. WEST. Mr. Tavenner said he did not want to be under any obligation to Mr. McDermott, so we tried to see if we could not get that room assigned by somebody else in authority.
Mr. CLINE. But you say you knew Mr. McDermott had the room.
Mr. WEST. We did not know whether he had any right to the room, except what he told us, and we did not take his word for it.
Mr. CLINE. You did not take his word for it?
Mr. WEST. No, sir.
Mr. CLINE. Would you take his word for anything?
Mr. WEST. For some things.
Mr. CLINE. And you are distrustful on others?
Mr. WEST. Yes, sir.
Mr. CLINE. You went to Mr. South and got a key to that room?
Mr. WEST. Yes, sir.
Mr. CLINE. Did anybody else occupy the room except you and Mr. Tavenner?
Mr. WEST. And a young lady who worked for us.
Mr. CLINE. And you never had the door locked?
Mr. WEST. No, sir.
Mr. CLINE. Would you close it?
Mr. WEST. Usually it was not closed. We usually closed it at night.
Mr. CLINE. You volunteered that statement. What was that for?
Mr. WEST. I did not volunteer a statement.
Mr. CLINE. You say you always kept the door open?
Mr. WEST. Yes; we kept the door open.
Mr. CLINE. You mean by that you kept it unlocked?
Mr. WEST. We kept it unlocked and open, for the reason that the room is down in the basement and faces on a court, and if you are in there very long with the door shut the air becomes bad, so we kept the door open to get better ventilation.
Mr. CLINE. You were around the building a good deal?
Mr. WEST. This building?
Mr. CLINE. All these buildings?
Mr. WEST. Yes, sir.
Mr. CLINE. You met the members frequently?
Mr. WEST. Yes, sir.

Mr. CLINE. And you knew a great many of them?
Mr. WEST. Yes, sir.
Mr. CLINE. And you knew a large number of the employees of the House?
Mr. WEST. I would not say a large number; I knew some of them.
Mr. CLINE. You were well acquainted with the newspapermen?
Mr. WEST. Pretty well acquainted; yes, sir.
Mr. CLINE. And you want to tell this committee now that during all that time you never saw this man Mulhall?
Mr. WEST. I never saw Mr. Mulhall in my life until yesterday, that I know of.
Mr. CLINE. And you never saw him in Mr. McDermott's office?
Mr. WEST. Never in my life did I see Mr. Mulhall until yesterday.
Mr. CLINE. Didn't you know that Mr. McDermott and Mr. Mulhall were having correspondence during that time?
Mr. WEST. I did not know.
Mr. CLINE. Did you not know that Mr. McMichael and Mr. Mulhall were having correspondence?
Mr. WEST. I did not.
Mr. CLINE. You were in close association with Mr. McMichael, were you?
Mr. WEST. No, sir.
Mr. CLINE. Did you not meet very frequently?
Mr. WEST. I met him on the street, and I scarcely spoke to him, either on the street or in our office.
Mr. CLINE. Didn't you go into Fritz Reuter's?
Mr. WEST. I went in there, and I would say, "How do you do?" and usually went right out again. I did not associate with him.
Mr. CLINE. You were afraid of having your morals corrupted?
Mr. WEST. No, sir; he could not corrupt my morals.
Mr. CLINE. You say you never saw the colonel there, that you remember?
Mr. WEST. I never saw the colonel in my life.
Mr. CLINE. How many times a week did you stop in at Fritz Reuter's?
Mr. WEST. Oh, I would say, on an average, probably two or three times a week.
Mr. CLINE. Now, Mr. Witness, you know, do you not, that Mr. McDermott never stopped at the bar in Fritz Reuter's?
Mr. WEST. No, sir——
Mr. CLINE. That he went back in the dining room?
Mr. WEST. I have seen him many a time standing at the bar.
Mr. CLINE. Alone?
Mr. WEST. Alone or with some of his friends.
Mr. CLINE. Did you know any of his friends?
Mr. WEST. I knew Mr. McMichael by name, and I knew a young man by the name of Smith by name. Those are about the only two.
Mr. CLINE. Didn't you usually find him with Mr. McMichael?
Mr. WEST. Usually; yes.
Mr. CLINE. And didn't you very frequently go into a room upstairs, or in a back room, called the private dining room, and find them there together?
Mr. WEST. I do not think I was ever upstairs.

Mr. CLINE. Or in the private dining room? Didn't you frequently find them there together?

Mr. WEST. Yes, sir.

Mr. CLINE. And they always had some one with them as a rule?

Mr. WEST. I would not say always.

Mr. CLINE. I mean, as a general rule.

Mr. WEST. Yes; as a general rule there was somebody with them.

Mr. CLINE. As a general rule there was somebody with them, and you are unable to say who that party was?

Mr. WEST. Absolutely.

Mr. CLINE. Although you went there two or three times a week?

Mr. WEST. I do not recall that it was always the same man.

Mr. CLINE. I say, you went there two or three times a week for month after month, and yet you never learned who these parties were that were associating with Mr. McDermott and Mr. McMichael?

Mr. WEST. I was not at all interested.

Mr. CLINE. That is not what I am asking you——

Mr. WEST. I never did.

Mr. CLINE. I am asking you whether it is a fact.

Mr. WEST. I beg your pardon. I say I did not.

Mr. CLINE. You did not?

Mr. WEST. No, sir.

Mr. WILLIS. What was the nature of this literature you were sending out from that room, Mr. West. I could not understand the nature of the work you were doing.

Mr. WEST. Mr. Tavenner was correspondent for about 70 daily papers at first. Later on he got to sending out a weekly Democratic news letter for the Democratic congressional committee, and I helped him to write that letter. Sometimes he wrote it and sometimes I wrote it.

Mr. WILLIS. As a matter of fact, then, this was Democratic campaign literature you were sending out?

Mr. WEST. Yes, sir; and that is the reason we thought we were more or less justified in using that room.

Mr. WILLIS. Do you know whether the Democratic congressional committee had information as to whether this room was being used for that purpose?

Mr. WEST. I do not know that they had any such information.

Mr. WILLIS. You do not know that?

Mr. WEST. I do not know whether they knew it or not.

Mr. WILLIS. But you do know, as a matter of fact, this was Democratic campaign literature you were sending out?

Mr. WEST. Yes, sir.

Mr. WILLIS. You say you got this key to this room from Mr. McDermott?

Mr. WEST. No, sir; I did not. I said I got it from Mr. South. That is, you refer to room 27?

Mr. WILLLIS. Yes; room 27.

Mr. WEST. From Mr. South.

Mr. WILLIS. What position did Mr. South occupy with reference to the Democratic congressional committee?

Mr. WEST. I do not know.

Mr. WILLIS. Did he know the character of the literature you were sending out?

Mr. WEST. I do not know whether he did or not.

Mr. WILLIS. Did he ever visit the room?

Mr. WEST. I never saw him there in my life.

Mr. STAFFORD. How often did you have occasion, Mr. West, to object to the presence of Mr. McMichael in Mr. McDermott's office here in the House Office Building?

Mr. WEST. I objected to Mr. McMichael—practically every time I saw Mr. McDermott I objected to Mr. McMichael. I urged him repeatedly to cut out his association with Mr. McMichael.

Mr. STAFFORD. What did Mr. McDermott have to say to that?

Mr. WEST. Sometimes he would just shrug his shoulders; sometimes he would say that Mr. McMichael was having a hard time and he felt sorry for him or something like that.

Mr. STAFFORD. He never specifically stated any reason for continuing his association with Mr. McMichael after you protested time and time again against his associating with him?

Mr. WEST. No reason except what I have stated. I frequently urged Mr. McDermott to give up his association with Mr. McMichael even after I ceased to have any business relations with Mr. McDermott—last spring or last winter. I told him repeatedly he ought not to associate with Mr. McMichael.

Mr. STAFFORD. While you were engaged in preparing Democratic campaign copy in this room 27, what time of day would you be so using room 27?

Mr. WEST. What time would we use it?

Mr. STAFFORD. Yes.

Mr. WEST. When I got through my work on the Times I usually walked up from the Times office to the Capitol, walked leisurely, and would usually get here about 4 o'clock.

Mr. STAFFORD. So you would not be in room 27 prior to 4 o'clock each day?

Mr. WEST. Except on my day off. I had one day a week off.

Mr. STAFFORD. Which day would that be?

Mr. WEST. It was a different day during the period I worked on the Times.

Mr. STAFFORD. And those days you did not come to room 27——

Mr. WEST. Then I would go over there right after breakfast and remain right around there all day.

Mr. STAFFORD. When you were engaged in the daily work on the Times and got there at 4 o'clock, how long would you remain in room 27?

Mr. WEST. Until supper time, and then I would go back after supper. Usually every night after supper I went back.

Mr. STAFFORD. I suppose you never saw any use of room 29 during the evenings while you were using room 27?

Mr. WEST. Only such use as I have testified.

Mr. STAFFORD. By the two young women employed by Mr. McDermott who got out campaign literature?

Mr. WEST. Yes, sir.

Mr. WILLIS. I believe you stated, Mr. West, that for a time you carried on your correspondence from his office in this building. Is that correct?

Mr. WEST. Yes, sir.

Mr. WILLIS. Did Mr. McDermott have knowledge of the character of the literature you were sending out, that it was Democratic campaign literature?

Mr. WEST. I do not know whether he did or not. I do not know whether Mr. McDermott gave me authority to invite Mr. Tavenner or whether I took that responsibility on my own shoulders. For the greater period of time we did that work Mr. McDermott was in Chicago during the recess.

Mr. WILLIS. Do you remember for how long a time you used his office in this building as a workroom, or headquarters, for this purpose?

Mr. WEST. From along in July, as I told Mr. Cline, as near as I can remember, up until we went into a room over in the Capitol.

Mr. WILLIS. Are you sure you do not know whether Mr. McDermott was informed as to the character of the literature you were sending out?

Mr. WEST. He knew what it was; yes, sir.

Mr. WILLIS. When he gave you permission to use this room, it was with the understanding that it was to be used in the continuation of this work of sending out campaign literature?

Mr. WEST. As I told you, I do not recall when I got permission from McDermott to use his office.

Mr. WILLIS. But the room in the Capitol I am referring to. When you got permission to use that room, it was with the understanding that it was to be used in the continuation of this work in sending out this campaign literature?

Mr. WEST. Nothing was ever said about it.

Mr. WILLIS. Mr. McDermott was never in room 27 to see the character of the work you were doing?

Mr. WEST. No, sir.

Mr. STAFFORD. Do you remember ever having seen Mr. McDermott in room 29, Mr. West?

Mr. WEST. No, sir; I was trying to think if I had seen him there last spring, but I can not remember.

Mr. STAFFORD. You do recall having seen McMichael around there frequently?

Mr. WEST. I would not say frequently. I saw him pass our door on different occasions, probably about a dozen occasions in all, during the period I was there.

Mr. CLINE. Did Mr. McDermott claim to have had both those rooms?

Mr. WEST. He never claimed to us that he had any more than room 27, and Mr. Tavenner and I set out to see if we could not get the use——

Mr. CLINE (interposing). I understood you got a key to go into room 29 to get some stuff out of there?

Mr. WEST. Yes, sir.

Mr. CLINE. How did you get that?

Mr. WEST. From Mr. McDermott. I understood that this room belonged to Mr. Rothermel, of Pennsylvania, and that he allowed him to use it.

Mr. CLINE. Room 27?

Mr. WEST. No; room 29. There were a number of Mr. Rothermel's documents on file in there.

Mr. CLINE. So far as you know, Mr. West, from the limited information you seem to have had with reference to room 29, you did not know whether it was occupied or not?

Mr. WEST. You mean occupied all the time?

Mr. CLINE. No. Do you not understand the question?

Mr. WEST. I did not want to answer until I knew just what you mean.

Mr. CLINE. So far as you knew, you are not able to state whether room 29 was occupied by Mr. Mulhall or Mr. McMichael or Mr. McDermott?

Mr. WEST. I am willing to say that I saw McMichael going past our door toward that room. In all probability he was going toward that room. I never saw him in that room, and I never saw Mulhall in that room.

Mr. CLINE. Never saw McMichael in that room?

Mr. WEST. Never saw McMichael in that room.

Mr. CLINE. Then, I say, so far is you know, you do not know whether the room was occupied or not?

Mr. WEST. I do not know that I could swear to that.

Mr. CLINE. You do not know who occupied it?

Mr. WEST. I do not know.

Mr. CLINE. So you are not testifying definitely as to that?

Mr. WEST. No, sir; I am an incompetent witness on that.

Mr. FERRIS. Mr. Tavenner has been getting out a weekly letter for a number of years?

Mr. WEST. Yes, sir.

Mr. FERRIS. Known as the Tavenner letters?

Mr. WEST. Yes, sir.

Mr. FERRIS. You were helping him for a time, helping him to get that out?

Mr. WEST. Yes, sir.

Mr. FERRIS. Was Mr. McDermott at any time or in any way connected with the issuance of those letters?

Mr. WEST. Mr. McDermott never had a single thing to do with the issuance of those letters.

Mr. FERRIS. Did he ever contribute anything to them?

Mr. WEST. No, sir.

Mr. FERRIS. Never contributed anything that went into the letters?

Mr. WEST. No, sir.

Mr. FERRIS. Who controlled those letters, as to their editorial policy?

Mr. WEST. Mr. Tavenner controlled the editorial policy of the letters.

Mr. FERRIS. You were in his employ and helping him to get them out?

Mr. WEST. Yes, sir.

Mr. FERRIS. What is the size of that room over there?

Mr. WEST. I should say it was about 14 feet square.

Mr. FERRIS. Both parties get out letters and literature of every kind?

Mr. WEST. Yes, sir.

Mr. FERRIS. Do you know whether the Republicans have such a room or not?

Mr. WEST. The Republicans have a fine big room on this hallway.

Mr. FERRIS. On this floor?

Mr. WEST. Yes, sir.

Mr. FERRIS. And that practice of getting out literature is carried on by both parties?

Mr. WEST. Yes, sir.

The CHAIRMAN. How much were you in this room, in room 27? Were you there every day?

Mr. WEST. I was; yes, sir.

The CHAIRMAN. How much of the day?

Mr. WEST. I usually went there about 4 o'clock in the afternoon and stayed until supper time, and every night I went back and stayed until 10 or 11 o'clock; and on my day off I was there all the time. I made that room my headquarters for the day.

Mr. EASBY-SMITH. Mr. West, there is just one answer you made which I want to ask you about. You said sometimes you took Mr. McDermott's word and sometimes you did not. Let us see if we can understand that. Do you mean by that that when anyone made a request to McDermott for anything that he was something of a blowhard?

Mr. WEST. Yes, sir.

Mr. EASBY-SMITH. And it was in regard to those matters that you might not take his word?

Mr. WEST. I had caught Mr. McDermott in so many lies I did not know when to believe him.

Mr. EASBY-SMITH. I say it was in regard to these particular matters?

Mr. WEST. Yes. He was constantly given to boasting about what he could do.

Mr. EASBY-SMITH. That is the reason you did not know whether to believe he had this room or not?

Mr. WEST. That is the reason; yes, sir.

Mr. WILLIS. One other question about this campaign literature. Do you know whether the Democrats have a room in this building from which they send out campaign literature?

Mr. WEST. I understand there is a majority room, but I do not know whether they send out this literature from this room or not.

Mr. WILLIS. They undoubtedly would not send out any other kind. As a matter of fact I can state there is such a room. I want to ask what was the necessity for this additional room? Was not this literature you were sending out sent out from the regular Democratic campaign room in this building? Why was this special room designated in the Capitol?

Mr. WEST. I understand that Mr. Tavenner had between 50 to 70 newspapers for which he was corresponding, independently of the work he did for the Democratic congressional committee; sent them a daily letter and sometimes a different letter from that which we sent out for the congressional committee.

Mr. WILLIS. Was this literature which you prepared general and applicable to all the districts, or was it made to fit any particular district?

Mr. WEST. No; it was applicable to all the country.

Mr. WILLIS. And was sent out generally, everywhere?

Mr. WEST. Yes, sir.

Mr. WILLIS. So far as you know, with the knowledge and approval of the congressional committee?

Mr. WEST. Yes, sir.

The CHAIRMAN. Mr. West, you spoke of trying to break up the association between McDermott and McMichael, your reason for it being that you regarded McMichael as rough and uncouth, and so forth. What was Mr. McDermott's attitude in that respect?

Mr. WEST. You mean——

The CHAIRMAN. His habits in that respect?

Mr. WEST. His habits were identically the same as McMichael's. When he first came here I tried to change his habits of speech and manner a little, but I never made much headway.

The CHAIRMAN. You do not think that was due to the association with McMichael?

Mr. WEST. No; Mr. McDermott was that way even before he ever saw Mr. McMichael.

The CHAIRMAN. How long had you known Mr. McDermott?

Mr. WEST. Since the summer of 1906.

The CHAIRMAN. You were living in Chicago, were you, in his district?

Mr. WEST. No, sir; I was not living in his district. I was attending the University of Chicago and was engaged in conducting a little newspaper in the stockyards district for two years, a little paper called the Stock Yard Sun, and on my way to the office I stopped in his cigar store to pick up items of news, as his store was a sort of local neighborhood center, and in that way I became acquainted with him and learned he had been nominated for Congress. As a result of some conversation we had, he employed me to write some political advertisements for him. He bought a page a day in the Stock Yard Sun, and I wrote the advertisements for him, and he was elected. After that I went to work on the Chicago Tribune, and I met him on the street one day down town, and he asked me to come to Washington as his secretary, and I said I would.

The CHAIRMAN. What was the reason for your severing that relation with him as secretary? Did you quit voluntarily?

Mr. WEST. I quit voluntarily. I could not see any future in that kind of work, and I wanted to get back into newspaper work. I went with McDermott at a considerable sacrifice of salary in order to be in Washington a year or so.

Mr. CLINE. You say, after you had severed your relations with McDermott and come back here a year afterwards, you still were anxious to have McDermott quit his relationship with McMichael?

Mr. WEST. Yes, sir; I was anxious.

Mr. CLINE. Did you go to McDermott and talk with him about it?

Mr. WEST. Yes, sir; frequently.

Mr. CLINE. Did you go to McDermott and talk with him frequently?

Mr. WEST. Yes, sir; frequently.

Mr. CLINE. What was the real cause for your interest in the matter at that time?

Mr. WEST. From the very first of my acquaintance with McDermott I had very much admired the qualities of his wife, and I knew that Mr. McDermott's conduct was not such that I felt—that his conduct was not such as should be the conduct of any man having

as fine a woman as Mrs. McDermott for a wife, and I was interested in breaking up McDermott's and McMichael's association, not so much because I cared anything about McDermott but because of my admiration for Mrs. McDermott and on account of his brother-in-law, Mr. Fleming.

Mr. CLINE. Did I understand you to say that you thought McMichael had an influence over McDermott?

Mr. WEST. Yes, sir; oh, I would not say exactly an influence, Mr. Cline. They were closely associated. They always had their heads together and were talking together, but I do not know what they were talking about.

Mr. CLINE. Was that here in the office when you were his secretary?

Mr. WEST. McMichael got so that he did not come around when I was there.

Mr. CLINE. The only purpose you had in trying to break up that relationship between McMichael and Congressman McDermott was that you had an admiration for his wife?

Mr. WEST. I would say that was the principal reason. I also still had hope that McDermott would try to make something out of himself.

Mr. CLINE. Your relationship with McMichael had not changed?

Mr. WEST. No, sir.

Mr. CLINE. You had not anything specific against McMichael?

Mr. WEST. I have not anything specific against McMichael; no, sir.

TESTIMONY OF MARTIN MICHAEL MULHALL—Continued.

Mr. EASBY-SMITH. May I inquire of the committee whether I may have the original documents I have asked for?

The CHAIRMAN. Yes, sir.

Mr. CRIM. I went to the Senate committee room and inquired of the clerk relative to certain documents on this list which Mr. Easby-Smith gave me on Saturday, and I requested the clerk to send to you anything he found, he telling me that it is not a practice, which I knew, to turn them over to me. I am convinced, however, that the letter of May 31, 1912, is not in the possession of the committee, because they looked very carefully for that letter. I realized its importance from Mr. Stafford's questions with regard to it and was anxious to ascertain just what there was in it as part of the res gestae. As to the pawn ticket which Mr. Easby-Smith desired produced, the colonel tells me he does not find it.

The CHAIRMAN. I have not yet received any communication from the clerk of the Senate committee. I will send a messenger over there.

Mr. STAFFORD. Have you been able to locate the envelope containing the check which Mr. McCormick furnished to the campaign fund?

Mr. CRIM. No.

Mr. EASBY-SMITH. In my written request of a few days ago I asked for the so-called black list. From the Senate testimony it is apparent that there were in the hands of the Senate committee three sperate papers, one of which was in pencil. In reply to that communication the chairman of the Senate committee sent two of those papers and

stated the third one was in a special file. I am anxious to have that, and also the original letter of Mr. Emery's introducing Mr. Mulhall to Mr. Keough. I particularly want that pencil black list.

The CHAIRMAN. I will endeavor to obtain that for you, Mr. Easby-Smith.

Mr. EASBY-SMITH. Mr. Mulhall, in regard to the article in the New York World, I understand you to say that you have read that and that it is correct.

Mr. MULHALL. Yes, sir.

The CHAIRMAN. By the way, let me interpose there just a moment; I have been reading the carbon copies of the transcript, and I find upon examination of No. 5 that the complete article in the World was not inserted, and it was our purpose to have the complete Mulhall article inserted in the record. I am going to ask the reporter to make a note of it and let that complete article be inserted at this point.

(The article referred to is as follows:)

$200,000 SPENT BY LOBBYIST IN HIS WORK.

COL. MULHALL OUTLINES STORY OF EIGHT YEARS' CORRUPTION HE WILL PROVE BY LETTERS—HOW HE CAME TO TAKE UP WORK AND WHY HE DROPPED IT.

[By Col. Martin M. Mulhall.]

My first active lobby work for the National Association of Manufacturers was the result of an interview I had with Marshall Cushing, its secretary, in the writing room of the Arlington Hotel, in Vermont Avenue, Washington, in the middle of November, 1902.

Cushing outlined to me in a brief way at this meeting his work with the National Association of Manufacturers, and he stated that he would like to have me aid them in the lobby work they were undertaking in Washington and Albany, N. Y. I made no regular contract with Cushing at this time.

I informed him that I was manufacturing brushes, but I agreed to assist him as he wished to do, provided that I was to give him my spare time when not otherwise engaged.

Cushing at all times was very secretive, and for the next four or five meetings I had with him between November and the 1st of January, 1903, he did not thoroughly inform me of the nature of his lobby work outside of saying that he was building up an organization to oppose McComas's eight-hour bill and labor measures of that stripe. About the 1st of January I had a long interview with Mr. Cushing at the New Willard Hotel, Washington, and he mapped out for me a program of work which he wished me to help him with.

I informed Mr. Cushing at this meeting that I had built a very effective association in Maryland, called the Workingmen's Protective Association, and had done very effective work for the Republican Party in the campaigns of 1900 and 1902 and 1903 in Maryland. Cushing suggested to me that he would meet the expenses of continuing this organization and to do everything I possibly could to increase its membership for the purpose of defeating Senator McComas for renomination and election in 1904. With Cushing's aid I built up a splendid organization in Maryland under his instructions.

BOSS LOBBYIST SAID CANNON, PROCTOR, AND SHERMAN ADVISED HIM.

For the period of time I was with Cushing I learned that he did most of his lobby work at night, getting a cab and calling at the homes of Members of the House and Senate. He at all times informed me that his principal advisers, outside of several secretaries or Members he did business with, were Senator Proctor, of Vermont, Mr. Joseph G. Cannon and Mr. James S. Sherman. I know he had frequent interviews with Senator Foraker, of Ohio, and James E. Watson, of Indiana, and other Members of the House.

During the years 1903 and 1904 Mr. Cushing became very active in Maryland politics and impressed upon me the importance of defeating McComas for renomination and election to the Senate. During all this time Mr. McComas refused to call off his eight-hour bill, and I had frequent interviews with McComas following the instructions of Cushing, and frequently carrying from Cushing to McComas messages in the shape of advice.

But McComas at all times refused to have any dealings with Cushing or the National Association of Manufacturers, and fought until the end of the campaign in 1904. When Cushing found that McComas would not let up on his labor bills he frequently sent to my home address in Baltimore large bundles of letters sealed, stamped, and addressed to manufacturers throughout the State and would have me mail these letters in Baltimore.

ELECT MEN THEY FOUGHT FOR.

All through the summer of 1904 I was actively engaged in campaign work in Maryland and in helping defeat Senator McComas and to elect Representatives Frank Wachter, Sidney E. Mudd, and Charles Shearn, whom Cushing wanted returned to Congress. This campaign in Maryland was completely successful, defeating McComas and electing the three above-named gentlemen in the third, fourth, and fifth districts of Maryland. Among the letters which I have turned over for publication to the New York World is given a complete and detailed account of these campaigns.

I received many commendations from Mr. Cushing for the work done in those years, he telling me that it brought thousands of members to the National Association of Manufacturers, and he was very jubilant over the success of the work in the State of Maryland.

From November, 1904, to February, 1905, I took up another line of field and organization work for Cushing in other States, and from February, 1905, until July, 1906, I did but very little lobby work in Washington. During the months of July, August, and September, 1906, I was engaged in the Littlefield campaign in the second district of Maine, and for the latter part of September, October, and November, 1906, I was doing campaign work in the seventh and eighth New Jersey districts, represented by Parker and Wiley.

RESUMES HIS LOBBY WORK.

After the New Jersey campaign was over in 1906 I took up active lobby work with Mr. Cushing in Washington, and all through the winter of 1906 I had frequent meetings with Mr. Charles E. Littlefield, of the second Maine district, who became the active champion of the National Association of Manufacturers against all labor bills offered by the labor unions in Washington that winter. I was given instructions by Mr. Cushing to be advised by Mr. Littlefield upon any bills brought before Congress at the sessions of 1906 and 1907.

After Congress adjourned in the spring of 1907 I was sent to Cleveland, Ohio, to report to Mr. Cowles, the vice-president of the National Association of Manufacturers for Ohio, and while engaged in Cleveland I received a letter from Cushing in June instructing me to return to New York at once, as he had resigned from the organization. I returned to New York about the middle of June and had several interviews with Cushing, he telling me that as he was not reelected as secretary of the organization he had refused to serve any longer, and that he was about starting a new organization along the same lines as the National Association of Manufacturers, and made a strong appeal to me to leave the old organization and come with him.

PUT IN CHARGE OF FIELD WORK.

About this time I had several interviews with other members of the National Association of Manufacturers, who were very much against the stand that Cushing had taken. They advised me to go to St. Louis and talk matters over with President Van Cleave. I left for St. Louis about the latter part of June, after declining Mr. Cushing's offers, and had a long interview with President Van Cleave and with his secretary, Mr. Ferd C. Schwedtman. I gave the complete story to them of the work that I had done while serving with Cushing in the National Association of Manufacturers. After this interview was over I was instructed by Mr. Van Cleave to return to New York and to take

complete charge of the field work and to continue the lobby work until further orders.

About the middle of July, 1907, I received a telegram from Mr. Van Cleave instructing me to meet him and his secretary at the Waldorf-Astoria Hotel in New York. I met these gentlemen as instructed and gave to them the names of several Members of Congress who had been assisting in the lobby work while I was in Washington with Cushing. When Mr. Van Cleave knew who was in charge of the lobby work in Washington he instructed me to arrange it so that he could meet Mr. James S. Sherman, then the chairman of the national Republican congressional committee; Mr. Charles E. Littlefield, the Member of Congress from the second Maine district; and Senator Joseph B. Foraker, of Ohio.

By Mr. Van Cleave's instructions I left immediately for Rockland, Me., to request Mr. Littlefield to meet Mr. Van Cleave at the Waldorf-Astoria Hotel in New York City.

On July 17, 1907, I found Mr. Littlefield at his home in Rockland and delivered to him Mr. Van Cleave's message. He immediately told me that he would meet Mr. Van Cleave as requested, and I wired this fact from Rockland to New York, as requested by Mr. Littlefield, to Mr. Van Cleave.

VAN CLEAVE MEETS LITTLEFIELD.

On July 20 I meet Mr. Littlefield at the Grand Central Station in the early morning and took him to the Waldorf-Astoria Hotel to meet Mr. Van Cleave and his secretary. I had breakfast with Mr. Littlefield and his son at this hotel. After breakfast Mr. Van Cleave came down and took Mr. Littlefield to his room, where he was engaged for several hours going over the lobby situation in Washington.

I have among my expense accounts one which I submitted to the organization on July 2, 1907, the amounts I paid for Mr. Littlefield's meals, for his transportation from Rockland to New York, and from New York back to Rockland again, and incidental expenses, as cab hire, telegrams, and such like while he was in New York, which clearly shows that Mr. Littlefield, while a Member of Congress came at the expense of the National Association of Manufacturers.

FREE WHISKY FOR ALL VOTERS PROVIDED BY LITTLEFIELD'S MEN.

While I am giving this part of my story I wish to recite a few facts of the campaign of 1906 and 1907. In 1906 I was sent by Secretary Cushing, of the National Association of Manufacturers, to represent the organization in Littlefield's district. I arrived there in July, and, at the request of Mr. Littlefield and his two managers, Mr. James Donohue, the present fish and game commissioner of the State of Maine, and acknowledged leader of the Republican Party, and Mr. Fred Wight, the collector of customs of Rockland, Thomaston, and Camden, Me., I was placed in charge of the labor end of the campaign. The system in the campaign was entirely new to me. Although I had done work in the slums of Albany and Troy, in New York State in 1888 and 1892, and in many previous campaigns in the slums of New York, I have never seen such a dirty campaign in those cities as was used to elect Mr. Littlefield that year.

MADE TOO DRUNK TO VOTE.

Mr. Littlefield has always posed as a great temperance advocate, but I have never seen so much whisky used in a campaign in my life as I saw Littlefield and his managers use that year. The Littlefield campaign managers had a hall in Main Street, Rockland, which was in charge of Mr. Charles Harriman, and for 6 weeks before the campaign closed in 1906 there was free whisky given out of this rendezvous every day in the week, including Sunday, and on election day of that year. In this hall I counted, myself, 23 men lying beastly drunk and kept in that condition by one of Mr. Littlefield's labor managers, so that they were unable to go to the polls and vote in that election.

I stayed in this hall about two hours on that day and I became sick to my stomach on account of the stench which pervaded the hall, and while out in the street I met Mr. Littlefield's private secretary, Mr. Walker, and he inquired why I was off the job. I answered Mr. Walker by stating that the

stench of whisky and the drunken men lying around the hall was so fierce that I was unable to stand it any longer.

I reported these facts to Mr. Fred Wight, Mr. Littlefield's manager, the morning after the election, and Mr. Wight told me himself that they had locked up all that day, in an old, vacant icehouse down near the bay, 135 Democrats whom they kept in such a beastly state of intoxication that they could not vote at that election, and he seemed to gloat over this system of campaigning.

CAMPAIGN COST N. A. M $60,000.

Besides these facts I know for a certainty, which letters and other documents I have in my possession will prove, that there was a regular system of bribery carried on all through that campaign. Democratic leaders and labor workers were bought up, and a few days before the election I had an interview with Mr. Wight in relation to money matters and wanted to know if he had money enough to meet every requirement to finish his campaign work. Mr. Wight plainly told me that he had all the money he needed to have Littlefield win, and I have been informed by Cushing, Wight, and Donohue, and other leaders in that campaign that it cost the manufacturers about $60,000 to win this fight. About $3,000 of the $60,000, I paid out myself.

In 1907, as I stated before, I was again sent into Littlefield's campaign, at the request of Littlefield, to aid Mr. Donohue in getting a line on the situation throughout Maine, and on the resubmission question. Donohue and I traveled all over the State, visiting county fairs and political leaders, and I made frequent reports to Mr. Littlefield and sent him lists of the parties we had seen.

LITTLEFIELD FINDS HE'S BEATEN.

After we completed our canvass of the State, and Littlefield found out how he stood in his district, he thought it advisable to resign from Congress for he knew he could not be elected in that district again. There are letters I have in my possession, which I have turned over to the New York World, which will show how secretive Mr. Littlefield was in those campaigns. I was interviewed at Lewiston, Me., by the Lewiston Journal, and Littlefield immediately wrote me that unless I stopped giving interviews to the press I would be of no service to him.

On the 20th of July, 1907, Mr. James S. Sherman, chairman of the National Republican Congressional Committee, reported to Mr. Van Cleave, at the Waldorf-Astoria, in New York. I went to Utica and extended to him an invitation to meet Mr. Van Cleave, and he, like Littlefield, came to New York and saw the president of the National Association of Manufacturers, and they had a long conversation, Mr. Van Cleave telling me afterward that it was perfectly satisfactory. By invitation also Senator Joseph B. Foraker, of Ohio, called and met Mr. Van Cleave about the same date.

From later interviews I had with Mr. Van Cleave I learned that Senator Foraker's interview was brief and agreeable to him, Mr. Van Cleave telling me that he was perfectly satisfied that those men would take care of the interests of the National Association of Manufacturers in Washington, and that I could continue working with them in a confidential capacity. I want to state that this was the first meeting that Van Cleave ever had with these gentlemen, he not knowing them before he was introduced by me. Later on I introduced Mr. Van Cleave to Nelson W. Aldrich, Senator from Rhode Island, in 1907. All through my lobby work from 1905 up to the time I resigned from the National Association of Manufacturers, Senator Aldrich was an adviser and an active worker in behalf of the National Association of Manufacturers.

In the campaign of 1905, I was sent to Rhode Island by Secretary Cushing, of the National Association of Manufacturers, to put Aldrich in touch with a lot of labor workers and labor politicians in his own State. The Senator was always grateful for the work done, and as he always leaned toward the interests of the manufacturers and trusts, he was agreeable when approached on legislation of this kind. All my expenses in Rhode Island were paid by the N. A. M.—about $1,800.

MONEY COLLECTED FROM ALL TRUSTS FOR USE OF THE ASSOCIATION.

On December 2, 1907, I was given by Mr. Ferd C. Schwedtman a letter of introduction to Mr. James A. Emery, which letter informed me that Mr.

Emery was appointed counsel of the National Association of Manufacturers and chief lobbyist at Washington, and that I was to assist Mr. Emery in the lobby work and as general field agent of the National Association of Manufacturers.

Emery had no acquaintances in Washington at all when he came there, and I was only a brief period of time with him myself till I became firmly convinced that he had no political acquaintances at all throughout the United States. His chief qualification, I soon learned, was as an entertainer.

I learned soon after Mr. Emery came that his salary was $10,000 a year, and he was allowed about the same amount for office expenses. For the first two years that Emery was in Washington I did my best to put him in touch with the leading Members of Congress.

CREATE COUNSEL FOR DEFENSE.

In 1907, at my suggestion, Mr. Van Cleave attempted to create a new national organization out of the local organizations of manufacturers in the different cities throughout the United States. Mr. Bird, Mr. Emery, and Mr. Van Cleave made several tours all over the country, assisted by Mr. Schwedtman, Mr. Van Cleave's assistant, and they formed a new organization and named it the National Council for Industrial Defense.

The National Association of Manufacturers claim now that they have got 250 organizations, consisting of national and local organizations, whom they represent under the title of the National Council for Industrial Defense. But they had never called a meeting of those organizations for six years, up to the time I resigned, and they have never attempted to get a close organization among the 250 different organizations throughout the country. But for the first three years that Mr. Van Cleave was president of the National Association of Manufacturers he was elected president of the National Council of Industrial Defense, Schwedtman secretary, Emery its counsel, and Bird its treasurer.

OIL TRUST PAID, TOO.

In addition to the revenues collected from the National Council for Industrial Defense and the $50 a year they got from the members of the National Association of Manufacturers, this organization, to my certain knowledge, has collected moneys from every trust in the United States, not exempting the Standard Oil, the Steel Trust, the Sugar Trust, the Wire Trust, the Tobacco Trust, the Railroad Trust, and the Banking Trust.

There is no organization, corporation, or firm in the United States they will not take in as members. All the legislation that was favorable to the trusts the lobby of the National Association of Manufacturers did all that was in their power to put through. All the labor legislation that the trusts wanted killed in Washington their lobby gave special attention to, and tried to defeat the bills that were objectionable to the trusts and wanted by the labor people of the country.

PORTER WAS CHIEF COLLECTOR.

The National Association of Manufacturers had a regularly organized bureau under the special direction of Mr. J. Philip Bird, the general manager, and this bureau is presided over by a Mr. Porter, who has a corps of agents who work on a percentage seeking members for the National Association of Manufacturers and money for their campaign and lobby purposes, and according to Bird's statement to me the head of this organization, Mr. Porter, is the most proficient collector of moneys for such purposes in the United States.

While working in districts I was often told by manufacturers how they were first bled by the Republican national committee, then by the Republican State committees, then by the county committees, then by the congressional committees, and also by the National Association of Manufacturers, but as a rule the National Association of Manufacturers was always head of the above-mentioned committees.

In June, 1907, I was instructed by Mr. Van Cleave and his secretary, Schwedtman, to aid in every way I possibly could Mr. X, who was in charge of a newspaper syndicate under the direction of Mr. Van Cleave and his secretary, and talk him into starting a bureau for newspaper and magazine publicity. About this time Mr. Van Cleave appealed to the business men of the country to raise

$1,500,000 for this purpose. I carried out the instructions given me by Mr. Van Cleave, and reported to Mr. X in New York about the 1st of July of that year, and had frequent meetings with him on and off for several months.

At one of my early meetings with Mr. X he unfolded to me a great scheme, which he stated had Mr. Van Cleave's approval and the approval of other leaders of the National Association of Manufacturers. This was that they were sure they could break up the American Federation of Labor by bribing its leading officers, and particularly Samuel Gompers, its president.

Mr. X said he had a man by the name of Mr. Y, who was already in touch with Mr. Samuel Gompers, head of the American Federation of Labor, and he was positive that Mr. Y was able to land "that big fish." Mr. X said he had had frequent reports from Mr. Y, who had been on the job for some time, that they were all favorable and that Mr. Y was at that time down in Georgia with Mr. Gompers. From the letters he got from Mr. Y Mr. X was sure that Gompers would fall for a big bribe.

He told me that the amount he had for this purpose was $40,000, and he and his associates were arranging to have Mr. Van Cleave and Mr. Gompers get together in New York City. Besides Gompers there were other leaders of the American Federation of Labor they were after—Mitchell, Morrison, and others. Mr. X felt so sure of getting Gompers that when I told him his story was ridiculous and that he would never accomplish what he was after he pooh-poohed the idea of such a thing and said that he was sure the job was almost completed.

PLANNED TO GIVE GOMPERS FOREIGN POST IN ADDITION.

I had several interviews with Mr. X on this subject, and I tried to persuade him on all occasions to be careful, that I was sure and positive that he could not bribe Mr. Gompers. At one of these interviews in the presence of a gentleman who was well known in labor circles Mr. X went over with me the details of his attempt to bribe Gompers.

About a week after my first interview I was instructed to see Mr. X again, and he took me to a restaurant on Thirty-fifth Street, New York City, with him, along with one of his editorial staff. He went over the Gompers situation, claiming that he was sure that with the amount of money we offered to Gompers he would fall into their hands.

He said that Gompers was hard up at the time, and that in addition to a large bribe they intended to give to Gompers they would take care of him for the balance of his life in another way by having him appointed as an agent in the customs service, to be stationed in Europe, or some such position that Gompers could fill to advantage.

HE DOUBTED THEIR SUCCESS.

I did not try to use any persuasion on this occasion, because Mr. X and his associate were so positive that I thought it was useless any further than to say that I had a large acquaintance among labor people all my lifetime, and that I certainly believed in Gompers's honesty of purpose, but if they landed the old gentleman I would believe them; still I doubted the success of their man, Mr. Y.

At a later date Mr. X met Mr. Van Cleave and Mr. Schwedtman in New York, and Mr. X gave them to understand that it was arranged that Mr. Gompers and Mr. Van Cleave would get together. I was told that Mr. Gompers was at the Victoria Hotel. I knew that Mr. Van Cleave was at the Waldorf-Astoria, and Mr. X said that they were to meet in some uptown office where the deal was to be finished. I was kept in New York about this time for a few days while the supposed deal was going on. Suddenly Mr. Van Cleave and his secretary left for St. Louis.

I had a short interview with Mr. Van Cleave before he left his hotel, and he seemed very much annoyed over the result and failure of the Gompers matter. All he told me was that it was a complete failure, and from what he had learned recently Mr. X must have been insane when he went into the deal.

GOMPERS AVOIDED A TRAP.

A few days after Mr. Van Cleave left for the West I learned from an interview I had with Mr. X, who was slow to admit it, that my estimation

of Mr. Gompers was right, and that he was deceived by Mr. Y and others, mentioning two men, one by the name of White and the other by the name of Rice, former labor leaders. At this interview Mr. X told me that Gompers insisted on Mr. Van Cleave's meeting him at the Victoria Hotel or some hotel down town, and this Mr. Van Cleave refused to do.

Mr. X admitted also that information was brought to him that there were a lot of labor chiefs who had set a trap for Mr. Van Cleave and his agents to show them up as bribers, and had it so fixed that Mr. Van Cleave would be photographed before he entered the room where Mr. Gompers was supposed to be. They also had arrangements made so that the interview could have been listened to by other labor leaders who would be secretly stationed where they could overhear what took place between Mr. Van Cleave and Mr. Gompers.

This information was brought to him by a confidential friend of Gompers, and that was the reason, on account of the scheme that Gompers put up, that the whole thing fell through.

The reason I write this incident and this story of the attempt to bribe Mr. Gompers was on account of its being so frequently denied by the National Association of Manufacturers.

WORKS TO ELECT FRIEND WATSON AS GOVERNOR OF INDIANA.

The year 1907 was a very active one for the National Association of Manufacturers, for in this year the organization started to elect one of its chief henchmen, James Ely Watson, as governor of Indiana. About the latter part of January of this year I was given a brief note from James S. Sherman, chairman of the national Republican committee, advising me that he would like to have me go to Watson's district, the sixth Indiana, and do all I could to renominate and elect Mr. Watson.

I advised Mr. Van Cleave of the request of Mr. Sherman, and he gave me instructions, through Mr. Schwedtman, that everything that laid in my power and in the power of any members of the organization should be used in Mr. Watson's behalf and that the entire association was behind Watson in everything he wished to have done.

All during the winter of 1907 and the spring of 1908 and all through the summer of 1908 up to November of that year I gave every spare moment of my time to the Watson campaign.

About the first of February, at Rushville, Ind., I had an extended interview with Mr. Watson on the subject of his return to Congress. He informed me that there were a large number of his friends who wished him to run for governor of Indiana, and that he would be in the field for this office.

VAN CLEAVE PROMISED AID.

After the interview with Watson was over I wired Mr. Van Cleave of Mr. Watson's ambition and received in return an immediate answer that I should devote every moment I could spare and use the strength of the organization to nominate him for that office.

I immediately started to help Mr. Watson, making a tour of most of the cities of Indiana, seeing manufacturers that were either members of the National Association of Manufacturers or friendly thereto. I was also informed by the St. Louis office of the National Association of Manufacturers that they would send out letters to every prominent manufacturer in Indiana inviting them to their next convention, which would be held on the 18th of May in New York City at the Waldorf-Astoria Hotel, and they would do their very best to get as many manufacturers from Indiana at the convention as they possibly could, where they could confidentially instruct them to support Watson.

In a short time they had a very systematic campaign started among the manufacturers in favor of Watson, and many leading members of the Association of Manufacturers outside of the State got busy on the job. Mr. Herbert E. Miles, one of their chief lobbyists on the tariff in Washington, sent numerous letters to the Studebaker people and the Oliver plow people and manufacturers of that stripe.

SCHEME TO GET LABOR VOTE.

In addition to this there was an organization started throughout the State among the working people in favor of Watson by asking the big manufacturers to organize in their shops and to send two of their confidential employees whom they could strictly trust with the secret workings of their shops, and to report by letter and otherwise to an office that was opened up in Indianapolis, Ind., in the State Life Insurance Building.

To show how effective this organization was made in Marion County and the city of Indianapolis, I may state that there were representatives from 125 different shops and factories who reported daily to these headquarters opened up by the National Association of Manufacturers. These men were to report at this office every night and hold a general meeting three times a week, and as a rule 250 of these men, who were thoroughly posted with the workings of the shops they were in, were in daily touch with this office, and they organized clubs all through Marion County and went to work to win over and buy the leading unionists who were against Watson in this campaign.

This organization did not cost Mr. Watson or his supporters a single dollar. It was entirely supported by the National Association of Manufacturers.

WATSON WON EASILY.

I had positive orders from Watson and his lieutenants to work under cover and never give out any information at all of what we were doing. This system of organization was carried out throughout the State and did not appear upon the surface until after Watson won the nomination by a large majority.

Watson was extremely pleased with the results of the work of the National Association of Manufacturers that accomplished his nomination, and became a great deal more subservient to the interests of the manufacturers in Washington after his nomination.

HOW CONGRESSMAN WATSON DISCHARGED AN OBLIGATION.

He had, at the request of Mr. Emery and myself, three active members of the House Judiciary Committee, removed. Among the three removed was Mr. George A. Pearre, who introduced the Pearre injunction bill, which was very obnoxious to the manufacturers, and in the place of the three men removed three very subservient members were appointed, Mr. Vreeland, of New York, and Mr. Bannon, of Ohio, being two of them. So this committee was fixed from that time on to make it impossible to get any legislation through unless it was O. K.'d by the National Association of Manufacturers.

In one report Watson made to me soon after he was nominated for Governor he told me of a long interview he had with President Roosevelt upon the coming National Republican Convention to be held at Chicago and drawing the President out at this interview regarding legislation before the convention was held, because the President knew that Watson was the representative of Speaker Cannon and other leaders in Congress.

WATSON PROVES HE'S GRATEFUL.

He said at this interview that the President seemed as though he wished to be a candidate for a third term and that the President completely unbosomed himself as to what legislation he wished to put through Congress. At the Republican Convention held in Chicago June 19, 20, and 21, 1908, Watson was the principal adviser of Mr. Van Cleave and the National Association of Manufacturers. He kept our leaders who were at the convention thoroughly posted on what was going into the national platform.

After the Republican Convention was over I had a daily correspondence with the active members of our association concerning Watson and his campaign in Indiana, and in the latter part of July, 1908, I returned to Indiana at Watson's request, and took charge of his labor campaign, and assisted in organizing manufacturers all over the State.

COLLECT $3,000 FOR HIM.

About this time I had a message from Mr. Watson from Rushville, Ind., saying that he was completely stranded at Rushville, and that he did not have

money enough to get out of there to keep his speaking engagements throughout the State. So I started a committee in Indianapolis, consisting of Mr. D. M. Parry, ex-president of the National Association of Manufacturers; Mr. C. C. Foster, a leading lumber dealer in Indianapolis, and Mr. C. C. Hanch, the vice president of the National Association of Manufacturers in Indiana. These gentlemen got a touring car and we went around to a number of manufacturers in Indianapolis and collected about $3,000.

I told Mr. Hanch of Mr. Watson's need of money and had him carry to Mr. Watson $1,000 of the $3,000 collected. Later on at the suggestion of Mr. Watson, I sent Mr. Parry to him with another $1,000. During the campaign the National Association of Manufacturers took a leading part in raising money to aid Watson all through his fight.

$20,000 MORE FOR WATSON.

After getting the Indianapolis organization in fairly good shape I went to South Bend with letters of introduction from Mr. Miles, Van Cleave, and others, and saw the Studebaker people and Mr. Oliver of the Oliver Plow people. These gentlemen got busy right away and saw numerous manufacturers in that section of the State, and they promised that they would send to Watson's committee at least $20,000.

After I got through with South Bend I went to Fort Wayne with a large number of letters that were placed in my hands by Secretary Schwedtman of the National Association of Manufacturers. These letters I placed personally into the hands of the manufacturers they were addressed to, and I was told later on by Mr. D. M. Parry and Mr. Goodrich, State chairman, that as a result of my work in these different places they received from manufacturers about $22,000 to help Watson's State campaign committee.

I have in my possession a list of names of the manufacturers who contributed to that fund. It is written on the note paper of the Oliver Hotel at South Bend by Mr. James D. Oliver, and given to me. The names that appear on it in order named are as follows:

Studebaker Manufacturing co., Clement Studebaker.
Singer Manufacturing Co., W. B. Pine.
O'Brien Varnish Co., Patrick O'Brien.
Oliver Plow Works, Joseph D. Oliver.
Sibley Machine Co., William H. Holland.
Birdsell Manufacturing Co., J. C. Birdsell.
South Bend Plow Co., A. D. Baker.
South Bend Woolen Co., Mr. Niles.
Stevenson Manufacturing Co., C. B. Stevenson.

BREWERS BEAT CANDIDATE.

Watson lost the election that year on account of his extreme platform upon temperance and his radical temperance speeches. His principal effort all through the campaign was to control the temperance people. He and his advisers felt sure there was a temperance wave at its height that year in Indiana which would sweep Indiana with a prohibition majority. Watson's speeches were so radical that the brewing interests put a lot of money into the campaign and organized the saloon elements all over Indiana against him. Those that were acquainted with the inside workings of Watson's campaign that year knew full well that Mr. Watson never intended to carry out his temperance pledges to the prohibition people if he was elected.

To illustrate this fact, I wish to recite an incident that took place in my room around the latter part of September when Mr. Watson had returned to his headquarters in Indianapolis from a speaking tour. He came to my room in the Claypool Hotel and said that he was nearly choking for "a drink of good liquor," and asked me if I would not get him a couple of cocktails and have them brought to my room where nobody could see him drink them.

I rang for a bellboy and instructed him to go to the bar of the hotel and have them make up six Manhattan cocktails. Watson went out of the room before the bellboy came, so nobody would see him there, and when the liquor came to my room I placed the six glasses of liquor on a shelf in a closet in my room and then went to Watson's room and told him where the liquor was. In about an hour, after I returned to my room, I saw that three of the glasses were empty, and later on Watson again returned to my room and emptied the other

three and told me they tasted better than anything he had had for a long time. I am turning over to The World more than five hundred letters bearing upon this campaign.

SAYS WATSON DID LOBBY WORK.

It is political history that Mr. Watson was defeated by a small vote for governor, and in December of that year he came to Washington while still a Congressman and immediately went to work to pay back his debts to the National Association of Manufacturers by doing lobby work for it. Watson was taken up by Mr. Miles, Mr. Cobb, and ex-Gov. Guild, the last two of Boston, and other members that were in Washington at the time advocating a tariff commission, as their adviser and inside lobbyist.

In addition to this they allowed Watson $250 a week for his expenses while working for this tariff commission, and all through the latter part of 1908 and the spring of 1909, when Congress adjourned on the 4th of March, Watson was very active with President-elect Taft and others to have this tariff commission created. Watson knew very well, from the parties he was dealing with, that this tariff commission was got up for the purpose of delaying the tariff and that an honest tariff commission would not be appointed, for he knew that the National Association of Manufacturers wanted appointed on that commission, when it was created, Mr. Herbert E. Miles and Mr. Ferd C. Schwedtman, two directors of their organization.

Besides, he knew from the interviews he had with Mr. Van Cleave and other leading manufacturers that these gentlemen did not want an honest revision of the tariff and that they were in daily touch with Senator Aldrich of Rhode Island regarding the Payne-Aldrich tariff bill, created that year. I heard Watson report to Mr. Van Cleave that it was he, Watson, who wrote out the clause for Senator Aldrich creating the tariff commission in the Payne-Aldrich bill. Watson worked at all times under the direction of Van Cleave and carried out Van Cleave's suggestions to the other members of the Ways and Means Committee, of which Watson was a member.

WATSON CLOSE TO MR. TAFT.

Watson was frequently in touch with President-elect Taft, and he made reports as often as was possible to the tariff commission committee created by the National Association of Manufacturers of the feelings of President-elect Taft toward a measure of this kind. I am trying to convey to the readers of The World, through this article and the letters I am turning over to it, that it was Van Cleave and Miles and lobbyists who were influencing the President-elect and the Committee on Ways and Means all through the session of Congress that passed the Payne-Aldrich tariff bill.

EVIL THINGS DONE BY N. A. M. THROUGH ITS AGENTS AND LOBBY.

Seventy-five pages in the House of Representatives acted as spies for the lobby and under the direction of their chief, who was in the lobby's pay.

Col. Mulhall spent $200,000 in lobby work, strike-breaking, and bribing voters in political campaigns for the National Association of Manufacturers.

Under orders he helped reelect legislative friends of the association and fought Congressmen who were on its "black list."

He made payments of money to legislators who voted on bills as the association dictated.

For the N. A. M. he bought minor labor leaders and sought to enlist the aid of clergymen in wage controversies.

An agent of the N. A. M. plotted to break up the American Federation of Labor by bribing its leading officers, and particularly Samuel Gompers.

Practically all trusts, from the Standard Oil down, paid tribute to the N. A. M.

The lobby had a room in the Capitol and made free use of congressional documents.

The N. A. M. enlisted the aid of Gov. Fort in its attack on Representative Gardner, who later surrendered and became its servitor.

It allowed Congressman James E. Watson $250 a week for expenses while he was working for the establishment of the tariff commission.

"LABOR" CONGRESSMAN MCDERMOTT "LOBBYIST AND TOOL OF TRUSTS."

I have been reluctant all through this story to bring into it any of the so-called friends of labor, but there is a gentleman in Congress who boasts of being a great labor unionist. He has a union card in his pocket. He has been elected to Congress four terms by "the labor vote," as he tells it, but there has never been a lobbyist or a tool in Washington who is more subservient to the trusts than Mr. James T. McDermott, Congressman from the fourth Illinois district (the stock yards district of Chicago).

It has generally been the rule of the National Association of Manufacturers to have its lobbyists interview all newly elected Congressmen to find out how they stood on measures that would interest the organization.

I first interviewed Mr. McDermott when he came to Washington in 1907. I told him of the organization I was serving in Washington. He used language at this interview which I thought was not possible for a man filling the high position he filled to dream of using to any stranger who called on him. Later on I became acquainted with his confidential secretary, Mr. J. H. McMichael, and told Mr. McMichael about my first interview with Mr. McDermott.

HE'D FIND M'DERMOTT USE[illegible].

McMichael and myself were extremely friendly from our first meeting, and I made Mr. McMichael acquainted with the language Mr. McDermott had used when I first called on him. Mr. McMichael assured me that McDermott did not mean what he was saying. He told me that McDermott was having a very hard fight on his hands for renomination and election, and wanted me to get into closer touch with him, assuring me that I would find him a very useful friend if we needed his friendship.

Mr. McMichael also wished me to send out numerous letters to manufacturers in McDermott's district asking manufacturers to support him for renomination and election in 1908. To please Mr. McMichael I sent out about 100 letters to different manufacturers in the fourth Illinois district. McMichael made McDermott aware of the interest I took in his reelection, and from that time on he became extremely friendly, allowing me at all times to use his congressional frank; his secretary, Mr. McMichael, not barring it from general use with three exceptions.

CAUTIONED HIM ABOUT FRANK.

Mr. McDermott told me that he thought it was not safe for me to use his frank to frank out documents to Mr. D. M. Parry, Mr. James W. Van Cleave, and Mr. John Kirby, jr., for these names were so well known to labor agitators that his frank with Mr. Van Cleave's or Mr. Parry's addresses upon a document would not look good to any labor leaders that might discover it.

In addition to using his frank he also suggested to me the advisability of having the chief page of the House, Mr. J. H. McMichael, his confidential secretary, use the seventy-five-odd pages upon the pay roll of the House to pick up any information of value on the floor of the House which would be of any benefit to the interests of the manufacturers. He said that these boys who were pages on the floor of the House would not be suspected if they were seen hanging around where the Congressmen met in private conversation, and that they could make themselves useful in the cloakroom of the House picking up information which would be useful and which could not be got in any other way.

CHIEF LOBBYIST APPROVES.

I informed Mr. Emery, chief lobbyist in Washington, at that time, of the suggestions made to me by McDermott, and he approved of the scheme at once. He not only instructed me to go ahead with the proposition, but later on he gave orders to me to have McMichael send the pages of the House with documents and bills that he might call for and act as messengers from the Capitol building to Emery's office, Nos. 611 and 613 Union Trust Building.

Mr. McMichael told me on June 25 last that Emery owes him $16 advanced by Mr. McMichael as car fare for page boys sent to Emery's office with reports and public documents. The page boys received no pay.

About the time that Mr. Emery approved of the suggestion he put on the payroll Mr. McMichael at $50 a month, with instructions that if any piece of information that McMichael or McDermott might pick up would be useful we would pay extra for it. I want to say here that this service, suggested by Mr. McDermott and carried out under his instructions by McMichael, was completely successful and effective, we getting information sometimes two weeks ahead regarding bills that had been or would be introduced on the floor.

GOT ADVANCE NEWS OF BILLS.

In fact, we got information of bills that would be brought up that the Republican Speaker or the Republican whip of the House did not know anything about until the bills would be introduced as riders on measures. On one occasion, when I reported to Mr. John Dwight, the whip of the House, a rider that was to be put on the sundry civil service bill, Mr. Dwight did not believe me. I told him the rider would be offered two weeks before it was offered, and Dwight kept in Washington as many Members of his side of the House as he possibly could for two weeks before [redacted]is measure came up.

He frequently asked m[redacted]en the measure would come up, and he doubted it, for I did not tell him [redacted]name of the party giving the information or how it came to me. The rider I am speaking about was a general eight-hour bill which William Hughes, of the Sixth New Jersey district put upon the sundry civil service bill, and this rider was squarely defeated by a party vote of the House, Republicans voting against it and Democrats for it.

Another suggestion carried out by Mr. McDermott was that he allow me to use a room in the basement of the Capitol which was assigned to him for his own use. He gave me the use of this room for the purpose of meeting me there when he had important information, as we could talk it over more privately than we could otherwise, and he also supplied this room so that I could meet Mr. McMichael on all occasions, as McMichael was freyuently sent there to meet me at the suggestion of McDermott.

HELPED M'DERMOTT COLLECT.

McDermott was very much worried about my leaving the National Association, and said to me when I told him I was going to resign that the money he got from me on different occasions wes very handy to have, as he had been able to reach me at any time he wanted help. After I did leave the organization he prevailed on me to send letters out to his district, and had me visit Chicago on the 24th day of March, 1912, and stay there in his district and help him collect money from the manufacturers until the 18th day of April.

At this time he was having a very hard fight for renomination against Alderman McAnerny, of Chicago, who was seeking to be promoted to Congressional honors. McAnerny and McDermott had a very stiff fight, and I was in Chicago only a very brief period of time until Mr. McDermott fully confided to me that he had been supplied with funds in the past through the Beef Trust.

In addition to having me solicit funds from the manufacturers he sent me to the Beef Trust, which comprises all the large concerns, such as the Armours, and others, in the stock yards in Chicago, along with his political manager in Chicago, Mr. George Fleming, and instructed Mr. Fleming and me to see Mr. Edward Tilden.

HOLDUP OF MR. TILDEN.

Mr. Tilden is chief political manager for the Beef Trust, and McDermott told me plainly, as did his political manager, Mr. Fleming, that Tilden always stood his campaign expenses, not giving him less than $5,000 at each campaign, and frequently more.

Fleming and I made two or three efforts to see Tilden, but without success. Later on I went with Fleming to see Sulzberger Brothers, an independent packing concern in Chicago, and we saw the general manager of this establishment. When I made known our wants to him he, like the rest, told me he sent all business of this kind to Mr. Tilden, and advised us to see Tilden.

I chased Tilden along with McDermott and Fleming to his uptown and downtown offices for several days, but failed to land him.

McCORMICK'S CHECK FOR $250 AND EVENTS THAT FOLLOWED.

Among the manufacturers we called upon was Mr. Harold F. McCormick, of the Harvester Trust, and son-in-law of John D. Rockefeller. Mr. McCormick told me when I called on him with Mr. McDermott that he was a member of the National Association of Manufacturers, and when I told him of the many good things that Mr. McDermott had done for that organization he agreed to give him a check for $250, and he told McDermott and me that the check would reach me in a few days, as all checks that were given for campaign purposes had to come from the McCormick estates.

I made frequent inquiries of McDermott and his manager to know if the McCormick check had come. I wanted it to meet my expenses. That was the only compensation I asked from McDermott while I was helping him in Chicago. McDermott instructed me that when the McCormick check came in to use it to pay my expenses.

M'CORMICK CHECK DOESN'T COME.

I remained in Chicago until April 18, and still the McCormick check did not show up. McDermott and Fleming told me that they had 'phoned over to McCormick's office and were told he was out of the city and that they could not get a satisfactory statement out of Mr. McCormick's private secretary.

I left for Baltimore on April 18, reaching my home in Baltimore on the 19th. When I got there I found the McCormick check, which had been forwarded by the hotel people on the morning that I gave up a room on April 5 with some other mail, to my home in Baltimore. I notified McDermott of this fact, and on June 1 I received notice from a bank in Baltimore that McDermott had asked for a duplicate check, telling McCormick that the original check sent to me was lost. He got a duplicate check from the McCormick people, which read as follows:

"Pay to the order of Col. M. M. Mulhall $250. Harold F. McCormick."

When I received this notice from the bank in Baltimore I was convinced that McDermott had committed a forgery, for the bank in Baltimore showed me by some letters from the Merchants' Loan and Trust Co. of Chicago that there were two checks paid of $250 each, one on the 20th of April, which was the original check sent to me, and one later on, which was the duplicate, McDermott using this check and lying to McCormick and forging my name on the back of it.

I had considerable correspondence with Mr. McDermott's secretary, Mr. McMichaels, concerning this check. I tried to talk on several occasions when I came to Washington with Mr. McDermott about the check matter, but he always seemed to avoid this subject when I broached it. I felt angry at McDermott on account of his actions in this check matter, for I knew that he gave a wrong impression to his secretary, McMichaels, and to other friends in Washington concerning it. At an interview I had with Mr. McMichaels on the 10th of June, 1913, I first got a clear conception of McDermott's dirty work in the matter.

SENT BY THE ASSOCIATION TO HELP EMPLOYERS FIGHT LABOR DEMANDS.

In the fall of 1905 and the spring of 1906 I was especially instructed and solicited by Marshall Cushing to aid the National Typothetæ of America, the manufacturing job printers' association of the United States and Canada, and to report to its national secretary, Mr. John McIntire.

I saw Mr. McIntire at his office at one of the downtown Broadway office buildings in the fall of 1905, and presented to him a letter of introduction that I had received from Secretary Cushing. Mr. McIntire had already received information concerning my visit, and he opened up by telling me that there was a national strike between the Typothetæ on the one side and the jo bprinters on the other going all over the United States. and that the center of this fight was in Philadelphia and New York, and that if they could hold these two cities as "open-shop" cities and defeat the printers in this strike it would mean for the manufacturers a 10-hour day and the breaking up of the printers' unions all over the United States and Canada.

Mr. McIntire said that Cushing informed him that I had a large acquaintance among labor unions in and around Philadelphia, and that I was just the man he wanted to aid him, and that he wished me to go to Philadelphia the moment

I could make arrangements and report to Mr. Joseph Hays, the local secretary of the Typothetæ in that city.

FUND TO CORRUPT UNIONISTS.

After seeing Mr. Cushing at No. 170 Broadway, N. Y., at his office, I started to Philadelphia that same afternoon and met Mr. Hays at the office of the Philadelphia Typothetæ near the corner of Tenth and Chestnut Streets. Hays immediately started me to work, because he informed me that Mr. Cushing had been over there a few days before and that Cushing and the National Association of Manufacturers would meet all my expenses while I was aiding them, and that he, Hays, would see that I was supplied with funds to employ spotters to get into the labor unions and buy over some of the leaders that were on strike in Philadelphia at that time. He said that they would have a large fund to corrupt the union printers so they would have men to break up meetings in any part of the city where they attempted to organize. Mr. Hays also told me that they had the backing of the machine politicians of both parties of Philadelphia, and that the police in a large majority could be depended upon to assist in breaking up gatherings of union printers.

This strike ran on for over a year, the employing printers gradually filling up their shops with strike breakers. Most of the strike breakers were brought from other cities, principally the South.

During this year I worked under the direction of Cushing, Hays, and McIntire. Principally my duties were to keep track of the union printers through hired agents furnished me by Cushing and the others. Through those agents we in a large measure got control of the Central Labor Union of Philadelphia, and kept the other unions not associated with the printers from contributing to the support of the strike.

GOES TO BREAK ANOTHER STRIKE.

The next strike that Cushing asked me to interest myself in was the machinists' strike that was going on in Cleveland. Several members of the N. A. of M. wrote to the New York office asking the aid of Cushing to help them to break the strike. Although Cushing was very busy in Washington about this period of the time, and he and I were engaged both night and day upon lobby and political work, he prevailed upon me to report to William B. Cowles, an active member of the N. A. of M. and its Ohio vice president, who was also vice president and treasurer of the Longarm System Co. of Cleveland, Ohio.

I went to Cleveland the early part of June and met Mr. Cowles, who gave me a complete history of the machinists' strike which was taking place at that time. He stated that the men had been out of the shop for about seven weeks, and that the leaders of the strike were especially making an extraordinary effort upon his shop on account of his making a speech before the Committee on Labor of the House of Representatives against a general eight-hour bill a few months previous. I left Cleveland and went to New York, and made several trips between New York and Cleveland all through the month of June, in the meantime carrying on a correspondence with the leading member of the machinists' union.

Finally, when the National Metal Trades, who were handling the strike in Cleveland, announced that it would be a long drawn-out fight, Cowles had the strike matter, through the efforts of the executive board of the Metals Trade, placed in my hands, and a few days after this was done the strike was settled by using almost the identical tactics, as far as money matters were concerned, that had been used in the printers' strike in the year of 1906.

After that strike was ended a large number of the members of the national metals trades joined the N. A. of M., Cowles becoming active in behalf of the N. A. of M. for the good work done by that organization toward settling the strike.

IN THE ST. LOUIS STRIKE OF 1907.

About the 1st of September in 1907, the same year, at the solicitation of Mr. Fred Schwedtman, the secretary of the president of the N. A. of M. at that time, I was induced to go to St. Louis, where there was another strike taking place, where 23,000 shoe workers had started on a strike for more pay, better conditions, and shorter hours, and especially against the piece-plant system which was in vogue in St. Louis at that time.

I remained in St. Louis at the especial request of Mr. Van Cleave and Mr. Schwedtman for about three weeks engaged in this labor complication, and there is an abundance of letters and correspondence to show that all kinds of bribery was used in breaking up this strike, Mr. F. C. Schwedtman himself virtually being in charge of that effort. While this strike was going on, Mr. Schwedtman was so anxious to have it settled that he placed in my hands the sum of $3,000 as an inducement to be paid to the man who was heading this strike if he would have it called off at a certain time.

This correspondence will also show that the strike was called off three days after the period that was set by Schwedtman, and although Schwedtman was aware of that fact, he withdrew the $3 000 to be paid to this man, and three days later, when the strike was completely settled, he refused to give him any portion of this money, claiming that the leader of the strike was not able to meet the contract or agreement that he had entered into.

Offered Help to Mine Owners; Broke Strike in Portsmouth, Ohio.

The next activities of the N. A. of M. in relation to its strikes was the service that was rendered to Mr. George F. Baer, president of the Reading Railroad Co. On November 23, at the suggestion of Mr. Van Cleave and Mr. Schwedtman, I wrote to Mr. Baer a long letter, offering the assistance of the N. A. of M. and their agents to help, if they needed it, to break any strike that would come up in the anthracite coal regions. There were hundreds of letters sent out to workers all over Pennsylvania through the N. A. of M. asking them to make preparations to help the coal barons providing the strike came up.

Shortly after the trouble in the anthracite coal regions the next large strike that the N. A. of M. became directly interested in was the shoemakers' strike in Portsmouth, Ohio, where there were about 3,000 men out on strike. General Manager Bird, who is still filling that office with this organization, especially called me from Washington, and at his request I was directed to report to Mr. George D. Selby. Mr. Selby had been a leading member of the N. A. of M., and for quite a number of years one of its managing directors.

The same system of bribery and the same tactics were used in Portsmouth that were used in former strikes, only in this strike, in addition to officers of the N. A. of M. all taking an even part, they induced ex-Congressman Henry Bannon, of Portsmouth, Ohio, to become an active agent in breaking this strike.

Got New Members and Funds.

After the strike was settled in Portsmouth, Mr. Bird had me write him a letter of introduction to ex-Congressman Bannon, and he went on a commission of his own to Portsmouth, Ohio, to induce manufacturers in and around Portsmouth to join the N. A. of M., besides seeking new membership on account of the service that was rendered the manufacturers in settling their labor complications.

Bird himself told me that he was going there for the express purpose of collecting funds for campaign and lobby work. Later on I learned from Bird he was very successful on his mission by getting new members, and also getting large donations from several of the manufacturers in that section for the work that was done. My accounts and my reports upon this matter clearly show the large number of strikers that were bribed on this occasion, and how successful the tactics of this organization were along their chosen line of activity.

N. A. M. Demanded $25,000 to Break Danbury Hatters' Strike.

I had hardly finished my work in Portsmouth when I was directed by General Manager Bird to become very active in the Danbury hatters' strike. This in a sense was a national strike of great importance, for the national officers of that organization, who have offices in Brooklyn and in Newark, N. J., were directly interested in managing the affairs of the striking hatters in this locality.

This strike being in and around New York, Mr. Bird became largely interested in it himself, along with his general counsel, Mr. Emery. I was given to understand that at all times Mr. John Kirby, who was then president of the organization, was thoroughly informed of the progress and of the efforts of the National Association of Manufacturers was making in settling this strike in favor of the manufacturing hatters. Mr. Bird had frequent interviews and

meetings with Mr. Samuel Mundheim, the president of the manufacturing hatters. Bird and Emery had agreed upon a price to be paid to the National Association of Manufacturers, provided they succeeded in breaking this strike.

In Mr. Bird's office at No. 170 Broadway, when this meeting took place between Emery, Bird, and myself, Bird and Emery decided that the organization should receive at least $25,000 for the job. There are letters from Bird, Emery, and others, on this subject to bear out this statement. Besides this $25,000, Bird induced Mundheim to send to me $1,500 cash to be used as expenses and for various work along my line of activities. The efforts to settle the strike by the organization lasted during a long period of time, and they finally appointed as a committee of arbitration three clergymen of Danbury, Conn., to settle the difficulties between the strikers and their employers.

I had frequent meetings with two of these arbitrators. The board of arbitrators consisted of Rev. Father Kennedy, a Catholic priest of Danbury, the Rev. Father Shanley, another priest in the same diocese, and the Rev. Dr. H. C. Meserve. I had but one interview with Father Kennedy, and I found him extremely biased against the manufacturers and in favor of the working people. Father Shanley was a high-minded gentleman, who, I found, was somewhat opposed to the tactics used by some of the labor leaders of that strike.

FELT PRIEST WOULD BE FAIR.

I felt sure that Father Shanley would make a fair arbitrator, and that he could not be influenced against his convictions. He wanted to be fair to the manufacturers as well as to the laboring man, but leaned toward a quick settlement of the strike.

I had our organization send a number of documents to Father Shanley, and advised him at different times that members of the manufacturing hatters would call on him with information that would convince him that there was but one settlement of this strike, and that that would be to have the open shop prevail all through the districts where hats were manufactured.

The third arbitrator, the Rev. H. C. Meserve, of the First Congregational church of Danbury, Conn., I found very much in favor of the manufacturers. I immediately went to work to use his influence with the other two arbitrators to have them decide in favor of an open shop.

HE PAID ARBITRATORS' BILLS.

Dr. Meserve was my guest at the Belmont Hotel, New York, for three days in June, 1909. He brought his wife with him. On behalf of the National Manufacturers' Association I paid their bills. Dr. Meserve showed himself to be most liberal in his personal views during his stay. He not only acquiesced in my suggestion that I have some beer at luncheon, but expressed a personal desire for a cocktail. During the subsequent meals that we had together he showed himself to be a good judge of wines and smoked many cigarettes and cigars. We went to the theater and took rides in cabs through Central Park. Before retiring we had a midnight luncheon, at which the good doctor had cocktails and wine.

I have had a good deal of correspondence with Dr. Meserve regarding our visit. During his stay in New York he expressed a desire to go to Europe, but added that he was not able to bear the expense. Appreciating his services to us in the hatters' strike, I suggested that he see Mr. Bird and expressed the belief that the matter could be arranged with little or no cost to himself. He did call on Mr. Bird and the latter turned him over to Judge A. P. Nevins, one of the lawyers employed in Bird's office. As I was engaged elsewhere the arrangements for Dr. Meserve's trip to Europe were made by Judge Nevins, who afterward told me he had "taken care" of Dr. Meserve.

STRIKE COST A LARGE SUM.

I had frequent interviews with Mr. Mundheim himself, and also with Mr. Bird all the time this strike was going on. I was given to understand by both gentlemen that a large sum of money passed between them for the work that the N. A. of M. had done in the strike.

I will close my story concerning this effort of the N. A. M., in settling this strike by saying we employed all our usual tactics of bribery, intimidation and bulldozing, even branching out in our attempt to corrupt the ordained ministers of the church.

WANTED NO MORE STRIKE WORK.

About the middle of August, 1909, I was called to New York by Mr. Bird for the purpose of having a long interview with President Kirby of the N. A. of M. At this interview Mr. Kirby wanted to place me entirely subject to the orders of Mr. Emery, the latter taking charge of the field and strike work as well as the lobby work in Washington, bringing all that work under one head. This I absolutely refused to do, telling Mr. Kirby that I would not do any more strike work and I disapproved the entire program coming from Mr. Emery.

MEMBERS KEPT IN THE DARK.

One of the principal protests I made to Mr. Kirby at that time was that for the four years I served under Cushing the officers and members of the N. A. of M. were in complete darkness as to the workings, and the general membership knew nothing at all of what was going on. Emery and Bird were gradually drawing toward the same goal that Marshall Cushing worked under, that is, to have complete secrecy concerning the workings of the N. A. of M. They sometimes told me that the officers of the N. A. of M. did not care who did the work or how it was done, or what the cost of the work was, provided the results were obtained.

After this interview with Mr. Kirby, in August, at each meeting of the N. A. of M., the policy suggested to me by Mr. Kirby at this interview was gradually carried out. For the last three years that I served in that organization under the Kirby administration, it finally came down to about the same conditions that were prevailing in the organization when Cushing resigned in 1907.

ASSOCIATION SENT MEN AND MONEY TO HELP FAIRCHILD IN CAMPAIGNS.

Congressman George W. Fairchild, of New York, an active member of the National Association of Manufacturers, is a very large and wealthy manufacturer himself, and one of the most active adherents of the National Association of Manufacturers, frequently told me of these political meetings and dinners held in Emery's home. Mr. Fairchild stated, at his last interview with me on the subject late in 1912, that he thought it was an honor to sit down with some of the leading manufacturers of the country at those meals, and to associate with such men as Senator Lodge, of Massachusetts, ex-Senator Crane, of Massachusetts, Senator Root, of New York, Senator Townsend, of Michigan, and many leading Members of the House.

I have been in Mr. Fairchild's district on three different occasions myself at his special request. In 1906 I was sent by Mr. Cushing, and all my expenses in that campaign were paid by the National Association of Manufacturers and Mr. Fairchild knew it. In 1908 I was again sent into his district at his suggestion by the National Association of Manufacturers, under the expense of that organization, and employed a number of workers to carry him through.

JENKINS USEFUL TO NATIONAL ASSOCIATION OF MANUFACTURERS.

One of the most useful agents of the lobby of the National Association of Manufacturers at Washington from the time I first took service under Cushing was Judge Jenkins, of Wisconsin, chairman of the House Judiciary Committee. Judge Jenkins was radically opposed to the labor unions, and could always be depended upon to kill any legislation that went into the committee upon labor and the temperance issue.

Incidentally, I think it pertinent to say here that the National Association of Manufacturers always tried to control the Labor and Judiciary Committees of the two Houses of Congress, these being the most important to it.

Besides this, he was extremely useful in picking up information from the Members of this committee, which information he frequently reported to me to pass on to Cushing, and later on to Emery and other members of the National Association lobby.

In the campaign of 1908 the National Association of Manufacturers was deeply interested in Judge Jenkins's renomination and election. Right after the national convention was over that year I was instructed to go into Jenkins's district, by Mr. Van Cleave and the officers of the National Association of Manufacturers, and spare no pains or money to renominate and to reelect him.

MEETS LUMBER TRUST'S CHIEF.

The correspondence I am submitting to The World on this subject will tell in a measure the details of this campaign in the eleventh Wisconsin district. While working in this district I was instructed to see Mr. Hines, the president of the Lumber Trust, and one of the most active lobbyists in Washington, and have him get his agents work actively for the reelection of Judge Jenkins. I had several meetings with Mr. Hines in his Chicago office, and quite a lengthy correspondence with him on this subject. I learned from him that he had large lumber interests in Judge Jenkins's district.

JENKINS FAILS OF NOMINATION.

The correspondence I had with Mr. Van Cleave, Mr. Van Cleave's secretary, Mr. Emery, and others, will go to prove that $5,000 was sent into Judge Jenkin's district by the National Association of Manufacturers. The tone of this correspondence will also show the great anxiety of the N. A. of M. to have Judge Jenkins reelected and to retain him as chairman of the Judiciary Committee. There was a severe fight made on Jenkins by the State organization, headed by Senator La Follette, and the candidate that La Follette put in against him was Mr. Lenroot, of Superior City, Wis. Jenkin's district being largely a farming district with 11 counties therein and no manufacturing interests outside of the Lumber Trust, made the campaign that was opened by the National Association of Manufacturers and other organizations to save Jenkins ineffective. He was beaten for a renomination in 1908 by the La Follette machine, and although there was a large amount of money spent this did not save him.

Later on Judge Jenkins was appointed as United State judge in the Philippine Islands by President Taft, the manufacturing interests all over the country helping him to secure this position.

While I was aiding Emery in Washington and in charge of the field work for the National Association of Manufacturers, I called at the White House frequently and made arrangements for Mr. Van Cleave, Mr. Schwedtman, Mr. Emery, Mr. Bird, and others to see President Taft. Meetings of this kind were arranged for at the White House about twice a month. These meetings were always for the purpose of influencing the President against the labor workers and in favor of the bills that the National Association of Manufacturers wanted killed.

There were over 20 meetings with President Taft on the tariff commission bill. The National Association of Manufacturers induced President Taft, through Congressman Watson and Senator Aldrich and others, to become very active in behalf of this measure.

TAFT REQUESTED THEIR HELP.

One of the meetings that took place with the President while he was at his summer home in Beverly, Mass., was arranged by myself with the President. The President received Mr. Bird and myself at his summer home. President Taft himself desired this meeting with these gentlemen, for he wished to have them submit to him a list of names of manufacturers that could be depended upon to help in the campaign in Ohio in 1910 for Congressmen and other offices.

Before I called on the President with Mr. Bird I met Senator Foraker in Boston, and told him of my intended visit to the President at his summer residence and what the President wanted. Mr. Foraker, on this occasion, prevailed on me to allow him to select five of the names to submit to the President, to which request I readily consented.

When I submitted our list for workers in Ohio, the President was slow about selecting some of them, for I did not tell him about the Foraker incident. He questioned me about three of the names given by Senator Foraker by stating that he was afraid they were not friendly to his interests in Ohio, and was slow about asking them for aid. One of the names was that of Dan R. Hanna.

I feel positive that when this story is published there will be a great many denials concerning the money used by the National Association of Manufacturers in political campaign and lobby work, but I have kept an itemized account of nearly all my expenditures through the terms of Mr. Van Cleave and Mr. Kirby while they were president of the National Association of Manufacturers.

I believe that my accounts will show for the period I was employed by the organization that I, myself, handled close on to $200,000, and this money was strictly used in corrupting voters and in doing lobby work in Washington and in State capitals.

There is a new phase of this story which I would like to have the public know concerning the workings of the National Association of Manufacturers. I have intimated all through this story the system used by it to drive out of politics men they could not use. I have cited the case of ex-Senator McComas, of Maryland, and another gentleman in Maryland that was opposed by this organization for a number of years by the name of George A. Pearre.

Not being satisfied with having him removed from his committee position in the House on account of his injunction bill that he submitted to Congress at the request of the laboring people of the country, he was continually harassed and pursued by the National Association of Manufacturers and its friends until they finally made his district Democratic and elected a Democrat in his place. The Democrat they elected in the sixth Maryland district is not satisfactory to the lobby of the National Association of Manufacturers.

Another victim of the N. A. M. for a number of years, and whom they were very much afraid of, was the Hon. John J. Gardner, of the second New Jersey district. Mr. Gardner was one of the oldest Members of the House of Representatives, and he had introduced numerous bills which were objectionable to the lobby of the National Association of Manufacturers.

In the spring of 1908 there was a letter sent by D. A. Tompkins, one of the directors of the National Association of Manufacturers, from his home at Charlotte, N. C., to the then president of the National Association of Manufacturers, Mr. Van Cleave, a copy of which was sent to me by Mr. Schweidtman, his secretary.

THEY "GET AFTER" GARDNER.

In this letter Mr. Tompkins wanted to know why the National Association of Manufacturers did not go after Gardner in the same way it went after McComas and put him out of business. About the same time Mr. Van Cleave gave me a letter to Judge William H. Speer, who was and still is on the bench in New Jersey, and who is the son-in-law of Mr. Kirby, Mr. Van Cleave's successor as president of the National Association of Manufacturers.

With this letter of introduction there was another letter of instructions telling me that Judge Speer would be exceedingly useful to me in putting a candidate in the field against Mr. Gardner in 1908, and that I could advise with Judge Speer and depend on his advice to aid me while I was making this campaign against Gardner.

"GETTING AFTER GARDNER" AND THE RESULTS THEREOF.

A few days after receiving the letter I called on Judge Speer at his rooms in the courthouse in Jersey City, and after adjourning court the judge took me to the Union League Club of Jersey City. The judge and myself had a three-hours' interview at that club. While engaged with him there he gave me a letter of introduction to the governor of New Jersey, J. Franklin Fort, and also telling me that he would phone to the governor that afternoon and make arrangements so I would be granted an interview the following morning.

At the suggestion of Judge Speer I called on Gov. Fort at his office in Trenton the next day and was granted an interview with the governor, going over the Gardner situation with him and telling the governor how objectionable Gardner had been to the manufacturing interests of the country. Gov. Fort at this interview promised me that he would take action against Gardner and that I might call on him a few days later, and by that time he would place me in touch with Mr. Kinley, a Republican boss of Atlantic City, and that he would see Senator Robinson and other State senators and select a strong candidate against Gardner.

SAID HE'D GET MURPHY BUSY.

Gardner seemed to be objectionable to Gov. Fort also, and among others the governor said he would see would be ex-Gov. Murphy, of New Jersey, and that he would get Murphy busy to defeat Gardner. I had frequent interviews after this with Judge Speer, and later on two interviews with Gov. Fort, and

at a later interview Gov. Fort put me in touch with Mr. Vivian Lewis, who was the candidate for governor of New Jersey against Woodrow Wilson in 1910. Mr. Lewis at that time was clerk of the supreme court at Trenton, and was in a sense the acknowledged Republican boss of that State.

I had frequent interviews from that time on with Mr. Lewis regarding the Gardner matter, and I was kept posted on the campaign they were starting against him. It was only a brief period of time until Mr. Gardner became aware of the fact that there was an organization being built up against him. He sent for me and I had a meeting with him in his committee room in Washington, he at that time being chairman of the Committee on Labor of the House.

Gardner commenced his interview by asking me if I was aware of the fact that there was an active campaign started against him in his district and that he heard that the National Association of Manufacturers was backing it up. He said also that he was told that one of the field agents of that association had had several interviews with the governor of his State. I told him I was aware of that and that I was the party that had all those interviews with the governor, and that the National Association of Manufacturers did propose to do all it could to stop him from being renominated and reelected. Gardner wanted to know from me why they were opposing him. He said that he had always served his constituents and his people to the best of his ability and the people at large throughout the country for the twenty years he had been in Congress.

TOLD WHY HE WASN'T LIKED.

I told him that the reason the National Association of Manufacturers was opposing him was on account of his eight-hour bill and measures of that stripe. I also told him that he was too much in favor of labor measures to suit the manufacturing interests, and as his district was a large manufacturing district there were a number of manufacturers who were opposed to him at the present time. I further told him that the National Association of Manufacturers was sending letters and circulars to those manufacturers to put him out of business.

Gardner disputed the fact that his district was largely a manufacturing district. He said there were no factories at all in Atlantic City, his home town, that there were four counties in his district and that two of these were largely farming districts and the most of the district was made up of farmers and working people, and for that reason, he thought, he was honestly serving the voters of his district.

I intimated to Gardner that he was too honest with the working people and not honest enough with the manufacturing interests. About three days later Gardner sent for me again and admitted that Gov. Fort, ex-Gov. Murphy, Judge Speer, and Lewis, and such men as they could beat him out, and wanted the fight stopped.

From that time on Mr. Gardner did not press his labor measure to the front. In the fall after the election was over he allowed the lobby of the National Association of Manufacturers to suggest to him the gentlemen they wished to have serve on his subcommittees of the House Labor Committee and to pigeonhole the labor bills and measures through these subcommittees that had been offered before 1908 and all that came up at the regular session of Congress in 1908 and 1909.

SPENT $9,000 TO HELP GARDNER.

All through that session Gardner became perfectly satisfactory to the officials of the National Association of Manufacturers. They were so pleased with his work that in 1910, at his request, I was sent into his district in the early part of January of that year, on instructions from Emery, Bird, and Kirby, to hire workers in his district and help him out. My expense accounts and letters show that I paid out in Gardner's district in 1910 between $9,000 and $10,000 to reelect him. Although several prominent members of Congress in New Jersey were defeated that year, Gardner got an increased majority of over 2,000 votes, which was very pleasant to both Gardner and the officials of the National Association of Manufacturers.

THE CHASTISEMENT OF COLE.

One of the most humiliating spectacles I have witnessed in the way of discipline was during the spring session of Congress in 1909. Congressman

Ralph B. Cole, of the eighth Ohio district. who was one of the most trusted of the N. A. M. agents in Congress, joined the first insurgent move against Cannon in 1908.

Emery sent me to the Capitol to tell Cole to come to his (Emery's) office at once. Cole was dictating when I entered his office. He immediately ceased and left for Emery's office. He got there about the time I did. Emery, sitting at his desk, gave Cole a good talking to. Cole walked the carpet and took his medicine like a little man. Emery said to him in substance:

"Now, see here, Cole, there's too much kicking in the Ohio delegation against the Speaker and our friends, and I can see from the Congressional Records that you are up to your neck in it. Now, this has got to be stopped. Our organization did not go out to Ohio last year to renominate you and elect you when you had no chance of coming back and then allow you to come to Washington here and fight our friends."

Cole began to splutter an explanation to the effect that he was backing the President's friends in Ohio, but before leaving the office, he promised in the presence of Emery and myself that he would quit his activities along those lines and help us as directed by Emery to do. From that time on there was no fault to be found with Cole. He did everything he was told to do.

DEFEATS WILSON AND NICHOLS.

We virtually succeeded in beating Loudenslager of the first New Jersey district in 1910. His election was so close that there was a contest made and before the contest came before Congress Loudenslager died, causing a new election in his district, which the N. A. M. took no part in. In the Nichols and the Wilson districts, the tenth and fifteenth Pennsylvania, we used the same tactics, sent circulars, employed labor politicians, and made a secret and underhand campaign against these two members of Congress, finally defeating Nichols in the primaries of 1910 and Wilson in the election of 1912.

In 1910 also, the N. A. M. made a vicious fight upon William Hughes, of New Jersey. J. Philip Bird, general manager of the National Association of Manufacturers, put directly, through my hands, $3,900 in this compaign, to try to elect a man by the name of McClave. This did not include my salary or my incidental expenses in that campaign. Besides that, there was about $2,000 that I helped to raise in the district from the manufacturers. When McClave was nominated he claimed that he did not have a dollar to spend in the campaign. The money given by Mr. Bird went in as a general campaign fund to help McClave.

THEY NEARLY BEAT HUGHES.

Mr. Bird put it up to me to do anything I possibly could to defeat Hughes in that campaign, which was almost an impossibility on account of the Democratic landslide which was taking place all over the country that year, and which was later demonstrated in the splendid majority given to Woodrow Wilson in New Jersey. If it were not for Wilson running for governor in New Jersey, Hughes would have been defeated, for we took away from Hughes over 2,200 votes in his home county of Passaic, with a very weak candidate against Hughes.

The fight made on these members of Congress goes to demonstrate further the system of the National Association of Manufacturers, for they have got a system of letting the members of the National Association of Manufacturers know the ones they mark for slaughter. When the National Association of Manufacturers defeated a candidate under its system of campaigning it spread the knowledge in every direction. By using these tactics and intimidating weak-kneed members of Congress that are elected by small majorities in other districts, the N. A. M. compelled them to vote the way its lobby wished them to do.

AIDED THESE LEGISLATORS WHOM THEY INTENDED TO MAKE USE OF.

Besides doing everything it possibly could to defeat the above-named Members of Congress, the N. A. M. sent money through me to aid in the renomination of Kittredge Haskins of the second Vermont district in 1908. who was a member of the labor committee and who was favorable to the legislation wanted by the National Association of Manufacturers. From Chicago

I sent him $300, which he acknowledged. They also helped to renominate and elect Ralph B. Cole of the eighth district of Ohio, and Harry M. Coudry of the twelfth Missouri district. Paid workers under my direction were sent to Cole's district. They at all times gave aid and help to Mr. Richard Bartholdt of the tenth Missouri district. They aided Cole because he was extremely subservient in the eighth Ohio district. Even while he was in Congress he could be sent for at any time that any of the officials of the National Association of Manufacturers were in Washington, and he was always on the job. Coudry and Bartholdt are both from St. Louis, and they especially were looked after by Mr. Van Cleave and Mr. Schwedtman. Schwedtman had always been a very close friend of Mr. Coudry, and at the request of Mr. Coudry I had Mr. James E. Watson arrange with the Speaker to have him get prominent places on the different committees while he was in Congress.

POLITICS ALSO IN NEW YORK CITY.

There were few municipal campaigns of any note throughout the country that the National Association of Manufacturers did not participate in in the 10 years that I was with the organization. This was done for the purpose of gathering friends and making political acquaintances and for having more influence with the congressional and legislative members and the bosses all over the country. To my certain knowledge in the city of New York the N. A. M. leaders dickered with Tammany Hall as well as the Republicans.

In my files I have a letter dated October 6, 1909, which gives an account of a feast gotten up and paid for by the N. A. M. at the Machinery Club, at No. 30 Church Street, the Terminal Building, to entertain such municipal candidates as Mr. Barnard, who was the candidate for mayor on the Republican ticket that year; Mr. Prendergast, who was running for city comptroller on the fusion ticket, and Mr. Mitchel, who was running for president of the board of aldermen, and who is at present collector of the port of New York.

BENNET SUGGESTED THE DINNER.

This dinner to entertain the above gentlemen was especially arranged at the suggestion of William S. Bennet, then Member of Congress from one of the city districts of New York. The efforts made to please Mr. Bennet were in return for his influence and friendship in Congress.

I have said in other portions of this story that in the early part of the winter of 1909 I was anxious to resign from the National Association of Manufacturers, and wrote a number of letters to my friends in the organization to that effect. Among those I wrote to were Mr. Schwedtman, former secretary to Mr. Van Cleave while he was president; Mr. D. M. Parry, a former president of the organization; Mr. James E. Watson, and others. I also made Mr. John Kirby, the newly elected president of that organization, fully aware of my intentions.

I was completely tired and disgusted with the work of breaking strikes. I attempted many times through the influence of friends in the organization to break up some of the work that was started by Marshall Cushing, and later on by Bird.

CONDITIONS WORSE UNDER KIRBY.

Instead of creating any reform in the organization by getting them to act in conjunction with the labor people for decent legislation the activities of the organization became 50 per cent worse under the presidency of Mr. Kirby and his confidential officials, Mr. Bird and Mr. Emery. Kirby himself was 50 per cent more radical than either Mr. Parry or Mr. Van Cleave were while they were presidents. Kirby's pet name for the working people, as a rule, in his writings in their magazine called American Industries, were "Molly Maguires," "dynamiters," and "murderers," and he was supported in this policy by all the officials of the National Association of Manufacturers.

There was no decent piece of legislation wanted by the working people, such as the Child Labor Law, compulsory education, laws to shorten the hours of children in shops and factories, laws to better the condition of employees of shops and factories, principally the women employed in the stores, that the officials of the N. A. M. have not opposed with all the vigor in them.

Before the last annual convention of the National Association of Manufacturers I wrote to the full Board of Directors, including its officers, begging them for a hearing so that I could show up the conditions that had prevailed while I was an employee of it. I got but two letters in return for the hundreds of letters I sent out, one from Mr. A. B. See, the N. A. M. treasurer, stating that he had never known me, and had never heard of my activities in the organization, and advised me to drop the entire subject.

EITHER FAIR PLAY OR EXPOSURE.

I received an answer from another member of the association to a letter I had sent Mr. Trix, one of its directors. He said that he was surprised at the information sent and that he would look into it further. As I said before, these were all the replies I got to the appeals I had been making for fair play by that association. In a letter I sent out dated Baltimore, May 16, 1913, two days before the N. A. M. held its convention at Detroit, I said to the directors and officers of this organization that if they did not give me a hearing before their directors or appoint a committee to investigate their organization, I would go into the public press with my story, and I put it to these people to take their choice.

They felt sure that I would not attempt to make this exposé or that I had not saved up the documents to prove my story. But I have done all these things, and through The World, and the press in general, I now hope to prove my case and convince the people of the United States of the truth of my statements.

OFFERS TO AMPLIFY STORY.

I am ready to appear before any authorized body of Congress to furnish such additional information as I have, amplify that which is herewith set forth and to answer any questions that may be asked of me, believing that by so doing I will be rendering a great public service that will result in the annihilation of the lobby and the improvement of legislative conditions. The representatives of the people in Congress should at least be free to carry out the wishes of their constituents and not those of the N. A. M. and those affiliated with it.

Mr. EASBY-SMITH. I show you a copy of the Chicago Sunday Tribune, issued on June 29, 1913. Are you familiar with that also, Mr. Mulhall? [Handing paper to witness.]

Mr. MULHALL (after examining paper). I never saw the Chicago Tribune article.

Mr. EASBY-SMITH. I will ask you to examine that and state if it appears to be identical with the New York World article, except a little more complete? I would infer that the New York World article had been blue penciled to some extent; some few matters stricken out. Will you examine that and state whether that article was prepared by you, the aritcle in the Chicago Tribune?

Mr. MULHALL. I am familiar with the World article. I have read it three or four times, but I have not seen the Tribune article.

Mr. EASBY-SMITH. I will ask you to examine the Tribune article sufficiently to state whether or not you prepared that also.

Mr. MULHALL. I would like to have it off the stand, because if you wish me to read the complete article——

Mr. EASBY-SMITH (interposing). Glance at it.

Mr. MULHALL. If you wish me to, I will read the whole article and give you an answer; otherwise I will not.

Mr. EASBY-SMITH. It is headed, Mr. Mulhall, "How Congressman McDermott, friend of the union, worked for its foes."

Will you look at it? The first paragraph is almost identical with the World article. "I have been reluctant all through the story of

my relations to bring into it any of the so-called friends of labor." It is on page 2. If the committee please, I have only one copy of the Tribune, but I have had a very accurate copy of the Tribune article made for each member of the committee [handing copies to the committee].

The CHAIRMAN. Is this the complete article?

Mr. EASBY-SMITH. Complete only so far as it relates to Mr. McDermott.

Mr. MULHALL. I have read the first paragraph.

Mr. EASBY-SMITH. And that appears to be the same as the New York World article?

Mr. MULHALL. About the same; yes, sir.

Mr. EASBY-SMITH. Will you state, Mr. Mulhall, what connection you had with the Chicago Tribune in the publication of this matter?

Mr. MULHALL. Not one particle of connection.

Mr. EASBY-SMITH. Did you have any conference with any representatives of the Chicago Tribune?

Mr. MULHALL. I may, I believe, while the article—later on, after about two weeks after the article or the exposé came out, I was introduced to a man by the name of Murphy in Mr. Seibold's office in the World Building, in New York. I was told he was a reporter of the Chicago Tribune. That is the only gentleman I have met connected with that organization.

Mr. EASBY-SMITH. Did you receive any compensation from the Chicago Tribune, either directly or indirectly?

Mr. MULHALL. Not a dollar.

Mr. EASBY-SMITH. How much did you receive from the World?

Mr. MULHALL. Well, up to the present time I have received about $5,000.

Mr. EASBY-SMITH. What weekly salary have you been receiving from the New York World?

Mr. MULHALL. $100 a week.

Mr. EASBY-SMITH. Beginning at what date?

Mr. MULHALL. I believe beginning the day this exposé came out, if I am not mistaken; I think the 29th day of June or the 28th of June.

Mr. EASBY-SMITH. You say you have not received a dollar from the Tribune?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. How much are you to receive from the Tribune?

Mr. MULHALL. Not a cent.

Mr. EASBY-SMITH. Have you any knowledge whether or not the Tribune is contributing to the fund out of which you are paid?

Mr. MULHALL. Not a particle of knowledge.

Mr. EASBY-SMITH. Did you know that the Tribune had published this article?

Mr. MULHALL. Not until my attention was called to one of the articles, later on, after the publication came out.

Mr. EASBY-SMITH. Was your attention ever called to the article now before you, of June 29?

Mr. MULHALL. No, sir; I never saw that article.

Mr. EASBY-SMITH. You had no knowledge, until this moment, that the article was published?

Mr. MULHALL. I had a knowledge from my association with Mr. Seibold.

Mr. EASBY-SMITH. What was that knowledge?

Mr. MULHALL. After the exposé. I think he talked about the Chicago Tribune handling the article. I do not know just what his language was. That was the impression he gave me, that they were handling the article.

Mr. EASBY-SMITH. That purports to be at the very beginning of the paper, "By Col. M. M. Mulhall." Was that publication made with or without your authority?

Mr. MULHALL. I had no dealings with the Chicago Tribune.

Mr. EASBY-SMITH. Will you answer my question, sir?

Mr. MULHALL. I could not say what the New York World was doing. I am not speaking for those people, so I have answered the question.

Mr. EASBY-SMITH. Did the Tribune publish that article with or without your authority?

Mr. MULHALL. Yes, sir; they had no authority of mine whatsoever.

Mr. EASBY-SMITH. Did they publish it with the authority of the New York World?

Mr. MULHALL. I do not know that, sir.

Mr. EASBY-SMITH. Did Mr. Seibold talk to you about having it published in the Chicago Tribune?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Since learning that the Chicago Tribune had published the article, did you ever repudiate it in any manner?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Did you ever furnish, either to the World or the Tribune, a signed article, other than the one which you swore to here in Washington?

Mr. MULHALL. I gave to the New York World all my letters.

Mr. EASBY-SMITH. I am speaking about the narrative?

Mr. MULHALL. No, sir; I never did; only one narrative.

Mr. EASBY-SMITH. Only one narrative, and, as I understand from Mr. Seibold's testimony, it was after you had corrected and approved a revised proof of your copy that you swore to it. Is that correct?

Mr. MULHALL. I think it is.

Mr. EASBY-SMITH. Can you state whether or not the New York World article is a complete verbatim print of that revised proof, or was something left out of it?

Mr. MULHALL. Since I have read the article, I do not think there is anything left out.

Mr. EASBY-SMITH. In preparing the New York World article, I presume, Mr. Mulhall, that you prepared it from your files, your letters, reports, and accounts, and from your memory?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, I understand that you have testified before this committee and also before the Senate committee as to the correctness and accuracy of your letters, reports, and accounts?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. All of the letters, reports, and accounts, concerning which you have testified are correct and accurate?

Mr. MULHALL. As near as a letter could be. As I testified before the Senate committee at different times, when I was hurried, I did not have time to sign my mail, and did not, and there might be some simple mistakes.

Mr. EASBY-SMITH. Likely errors, due to the transcription?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Or to a misunderstanding on the part of a stenographer?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. But generally, as I understand you, the reports are accurate, and the facts stated in those reports, letters, and accounts were true?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. As I understand, you have not, at the present time, an independent recollection of all these facts stated in the letters and reports; but you do swear that at the time you wrote them you knew them to be true?

Mr. MULHALL. As near as I could get up a report. Maybe some days a little where there would be intervening 48 hours or more, my memory might not be just what you would call accurate.

Mr. EASBY-SMITH. Now, I have read your testimony before the Senate committee, and have heard your testimony here; I understand that, of all the present Members of Congress, you have practically exonerated from any improper act all of them except Mr. McDermott?

Mr. MULHALL. No; you are mistaken there.

Mr. EASBY-SMITH. Well, in the Senate, you, I believe, exonerated Senator James and Mr. Sherley and Mr. Underwood; that is right?

Mr. MULHALL. Just repeat those names again, please?

Mr. EASBY-SMITH. Senator James, whom you incorrectly reported concerning his attitude on the Tariff Board; you corrected that, I believe?

Mr. MULHALL. I was not correct—I was not asked to correct that while I was testifying.

Mr. EASBY-SMITH. But you did correct it?

Mr. MULHALL. I went to Senator James and told him there was a mistake and it had ought to be just the opposite, and that instead of being favorable he was unfavorable to a tariff commission.

Mr. EASBY-SMITH. You have exonerated Mr. Sherley, of Kentucky, have you not?

Mr. MULHALL. As far as I could; yes, sir.

Mr. EASBY-SMITH. And Mr. Underwood, you have exonorated him from any improper conduct?

Mr. MULHALL. I would not go that far just now.

Mr. EASBY-SMITH. How far would you go, Mr. Mulhall?

Mr. MULHALL. I do not think that Mr. Underwood was proper—I think it was very improper of him when he made the statements he did before the Senate committee, and he has never apologized for them since.

Mr. CRIM. One moment, please; this is a collateral matter.

The CHAIRMAN. I think so.

Mr. CRIM. And has nothing to do with the substantive matter that is under inquiry here. I object to it as incompetent, irrelevant, and immaterial.

Mr. EASBY-SMITH. I will put this question, subject to the ruling of the committee: Have you not, before this committee, in explaining your letters, reports, and accounts, exonerated Representatives Bartholdt, Burke, Calder, and Fairchild from any improper conduct?

Mr. MULHALL. I have said in relation to those gentlemen before the committee—and if they take it as an exonoration it is up to them and not to me.

Mr. EASBY-SMITH. Now, is there, Mr. Mulhall, any Member of the present Congress, except Mr. McDermott, whom you believe, or have stated, has done anything improper?

Mr. MULHALL, I mean—you wish to—is that right, Mr. Crim?

Mr. CRIM. It is not proper examination, but I want Mr. Easby-Smith to have as broad a ground as is consistent; but I doubt if the man can answer a conclusion of that sort.

Mr. MULHALL. He is anticipating my testimony.

Mr. RUSSELL. I suggest it is not proper to ask the witness for a conclusion, but simply to state the facts for this committee to determine.

The CHAIRMAN. That is all. That is correct.

Mr. EASBY-SMITH. Very well, sir; I will abandon that.

Mr. Mulhall, for convenience of reference, I have brought here a complete set of the Senate hearings.

Mr. MULHALL. Set them before my counsel, please.

Mr. EASBY-SMITH. You may desire to refer to them. I should like to direct your attention to letter No. 3717–3735, which is in Senate print, part 33, beginning at page 3183; if you will turn to that, Mr. Mulhall; that letter, I believe, is a résumé of correspondence passing between you and Mr. Emery, Mr. Kirby, and other persons. And at one portion of it—if you will turn to page 3185, at the bottom, I think you will observe that it refers to a conference which you had with some persons in the room of Mr. Gardner, of New Jersey. At the bottom of page 3185 it says, "We went to Mr. Gardner's room, but not finding him there went around to the other rooms," etc. Now, if you will turn over to the next page: "We went to Mr. Gardner's room and waited there until he came. I began by requesting Mr. Gardner to make the same statements to Mr. Bird that he had made to me on the day before, and he covered the situation fully to Mr. Bird, as he did the day previous to me." Now, as I understand, that refers to a conference between you, Mr. Bird, and Mr. Gardner in the latter's room. Am I correct?

Mr. CRIM. Answer the question.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Who else was present besides you and Mr. Bird and Mr. Gardner?

Mr. MULHALL. Mr. Bird, Mr. Gardner, and myself.

Mr. EASBY-SMITH. No other person?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. In the next paragraph—will you please read it, Mr. Mulhall? "I made this extremely plain, as I wish Mr. Bird to communicate the situation to you as he saw it before you knew what took place from this letter." The next is:

While the interview was on in Mr. Gardner's office each of the gentlemen pledged themselves under Masonic obligations not to give out anything that took place.

Is that statement true?

Mr. MULHALL. Mr. Gardner and myself; yes, sir.

Mr. EASBY-SMITH. Did Mr. Bird?

Mr. CRIM. One moment, now. That letter involves a good many questions, and I submit that the gentleman ought to analyze the sentence. Masonic obligations is a conclusion. There are a number of conclusions, and I ask to let him analyze the sentence and ask different questions as to each of them.

Mr. EASBY-SMITH. I will ask you, first, Mr. Mulhall, then, it is one statement of fact, that each of the gentlemen present pledged himself (it ought to be)—pledged themselves under Masonic obligations not to give out anything which took place. Is that statement true?

Mr. MULHALL. I have answered your question, as far as one gentleman was concerned. The other I knew nothing about, whether he was a Mason or not.

Mr. EASBY-SMITH. Then it is not true that the three of you pledged yourselves under Masonic obligations not to give it out?

Mr. MULHALL. I stated I did not even know whether Mr. Bird was a Mason or not.

Mr. EASBY-SMITH. Did you pledge yourself under a Masonic obligation not to give it out?

Mr. MULHALL. I guess Mr. Gardner and I had a talk in relation to that.

Mr. EASBY-SMITH. Did you and Mr. Gardner?

Mr. MULHALL. Yes, sir; we did.

Mr. EASBY-SMITH. You did? And you violated that obligation?

Mr. MULHALL. You show me where I violated it.

Mr. EASBY-SMITH. In this letter; you gave to the person to whom you wrote this letter what occurred in that room, did you not?

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. Did you or did you not consider that a violation of that obligation?

Mr. MULHALL. I have never looked at it in that way.

Mr. EASBY-SMITH. Have you any code of morals, Mr. Mulhall?

Mr. CRIM. I object to that as an insulting question.

Mr. MULHALL. More so than you have. I will answer that.

The CHAIRMAN. One moment. That question is an improper one and will be withdrawn.

Mr. MULHALL. And I would tell the gentleman, if he was outside, I would give him a code of my morals.

The CHAIRMAN. One moment. That question is an improper question, and will be withdrawn.

Mr. EASBY-SMITH. I ask the committee's pardon, I did not conceive it to be so. Mr. Mulhall, what compensation did Mr. McMichael receive from the New York World?

Mr. MULHALL. That I know nothing at all about.

Mr. EASBY-SMITH. You knew nothing of his receiving $75 per week?

Mr. MULHALL. Not until a brief period of time ago.

Mr. EASBY-SMITH. How long ago?

Mr. MULHALL. I should say about three or four weeks.

Mr. EASBY-SMITH. Did Mr. McMichael receive any of his payments through or from you?

Mr. MULHALL. No, sir; not a cent.

Mr. EASBY-SMITH. When you were in New York, in connection with the representatives of the New York World, did you telegraph to Mr. McMichael, asking him to come to New York?

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. And guaranteeing him his expenses?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Did you send him $25 during the month of June to come to New York?

Mr. MULHALL. I did not send him a cent to come to New York.

Mr. EASBY-SMITH. And you say that in the telegram you did not guarantee his expenses?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Will you fix the date, as near as you can, on which you asked Mr. McMichael to come to New York?

Mr. MULHALL. I think it was at one of the meetings I had with Mr. Lincoln, the supervisor of—the general—I mean the managing editor of the World.

Mr. EASBY-SMITH. The purpose of Mr. McMichael's visit to New York was to corroborate your statements to the World?

Mr. MULHALL. Not a particle.

Mr. CRIM. That is objected to as irrelevant, immaterial, and improper.

The CHAIRMAN. Let the stenographer read the question.

(The stenographer here read the last preceding question as follows:)

Mr. EASBY-SMITH. The purpose of Mr. McMichael's visit to New York was to corroborate your statements to the World?

Mr. CRIM. Let him ascertain the facts, and the committee may determine.

Mr. EASBY-SMITH. I will put that as a question: was that his purpose?

Mr. CRIM. I object to that.

The CHAIRMAN. I think the witness may state whether he knows what his purpose was.

Mr. EASBY-SMITH. I will ask that. Mr. Mulhall, do you know the purpose of your sending for Mr. McMichael to come to New York?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. What was your purpose?

Mr. MULHALL. The purpose was that there was a lot of letters there from Mr. McMichael, and Mr. Lincoln wanted to know if he would identify the letters.

Mr. EASBY-SMITH. Were you present when Mr. Lincoln and Mr. McMichael made the $75 a week bargain?

Mr. MULHALL. No, sir; I was not. I do not know whether they had any $75 a week bargain.

Mr. EASBY-SMITH. Now, besides Mr. McMichael and yourself who else was in New York in communication with any representative of the World at that time?

Mr. MULHALL. I do not know as there was anybody else, sir, that I can recall.

Mr. EASBY-SMITH. At any of the interviews with the representatives of the World, who else from Washington was there?

Mr. MULHALL. I believe I had Mr. Murphy along with me once, as a strong-arm man, to protect me.

Mr. EASBY-SMITH. To protect you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. From whom?

Mr. MULHALL. Well, I got thrown out into the street here, when I first came to Washington to testify, and I called the attention of Senator Overman to it; and from that time I believe Senator Overman insisted that Mr. Murphy would be detailed to stay with me until this investigation was over.

Mr. EASBY-SMITH. That is, Mr. Murphy who was formerly employed here, and came here from Chicago with Mr. McDermott?

Mr. MULHALL. I believe so.

Mr. EASBY-SMITH. The same man?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, did not you and Mr Murphy and Mr. McMichael go to New York together about the 12th of July of this year?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Where did you go, Mr. Mulhall, when you left the Union Station in Washington, about that date?

Mr. MULHALL. I—not on the 12th of July, as I remember it

Mr. EASBY-SMITH. At any time in July?

Mr. MULHALL. I believe it was on the 19th of July.

Mr. EASBY-SMITH. Where did you go?

Mr. MULHALL. To New York.

Mr. EASBY-SMITH. With these two gentlemen?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Whom did you see on that occasion?

Mr. MULHALL. I saw Mr. Lincoln.

Mr. EASBY-SMITH. Was it at that time that Mr. Lincoln began the payments of $75 a week to Mr. McMichael?

Mr. MULHALL. I know of no arrangement between Mr. Lincoln and Mr. McMichael. I was not present when they made any arrangement.

Mr. EASBY-SMITH. Did you see Mr. Regan in New York?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH Was it before, or after, the publication of the World article?

Mr. MULHALL. Quite a long period after.

Mr. EASBY-SMITH. After? How did you happen to find him in New York?

Mr. MULHALL. I accidentally met him in front of the Imperial Hotel, as near as I can remember.

Mr. EASBY-SMITH. You knew him, did you?

Mr. MULHALL. Yes, sir. I formerly knew him when he was a clerk at Fritz Reuter's here.

Mr. EASBY-SMITH. And you took him down to the World people?

Mr. MULHALL. No, sir; I did not.

Mr. EASBY-SMITH. Did you get a statement or affidavit from him?

Mr. MULHALL. No, sir; I did not.

Mr. EASBY-SMITH. Do you know whether any statement or affidavit was gotten from him?

Mr. MULHALL. No, sir; I do not.

Mr. EASBY-SMITH. Do you know whether he is receiving any pay from the New York World?

Mr. MULHALL. Not that I am aware of, sir.

Mr. EASBY-SMITH. Is he here in Washington now?

Mr. MULHALL. I believe he is.

Mr. EASBY-SMITH. On the day that you and Mr. Murphy and Mr. McMichael went to New York, in July, Mr. Regan went to the Union Station with you and carried your luggage, did he not?

Mr. MULHALL. I would not be surprised, because Mr. Regan has been with me on several occasions.

Mr. EASBY-SMITH. Was Senator Reed in New York at those conferences between you and the representatives of the World?

Mr. CRIM. I object to that as incompetent, irrelevant, and immaterial. What difference does it make in this inquiry and ascertaining the facts for this committee whether a United States Senator was in New York at a particular time? The facts that were before Senator Reed at that time made it a part of his duty to be there.

Mr. EASBY-SMITH. I am not making any improper insinuation. I want the facts as to who were there, if I can get them.

The CHAIRMAN. Well, I do not really see the relevancy of it; but I do not see that it amounts to anything one way or the other.

Mr. CRIM. With this statement that it contains no reflection on Senator Reed I will withdraw the objection.

The CHAIRMAN. Let the stenographer read the question.

(Here the stenographer read the last preceding question, as follows:)

Mr. EASBY-SMITH. Was Senator Reed in New York at those conferences between you and the representatives of the World?

Mr. MULHALL. Shall I answer the question, Mr. Chairman?

The CHAIRMAN. Well, I do not think that is important, Mr. Easby-Smith.

Mr. EASBY-SMITH. Well, I will pass it.

Mr. MULHALL. I would like to answer it, Mr. Chairman, because I can say I never saw the Senator there except on one occasion, when he came over to look at the letters.

Mr. CRIM. One moment——

The CHAIRMAN. We do not really care about that, Mr. Mulhall.

Mr. MULHALL. No; but it is absolutely wrong. I want to exonerate Senator Reed, even from any insinuation.

Mr. CRIM. One moment——

The CHAIRMAN. I do not see where it is at all important in the development of this case whether Senator Reed was there or not. Of course, if he was there, there would be no doubt that he was there

for a proper purpose; and I do not think it is of any importance at all. Just pass that, Mr. Easby-Smith.

Mr. EASBY-SMITH. Very well, sir. Mr. Mulhall, did you sell your file of letters to the New York World?

Mr. MULHALL. I do not know whether you would call it "selling" or not. I made a contract with the New York World.

Mr. EASBY-SMITH. In which they were to pay you for the letters?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. I call your attention to your testimony before the Senate, in part 25, at page 2564, in which you were interrogated as follows: "Senator Reed"——

Mr. CRIM. One moment, please, Mr. Easby-Smith.

Mr. EASBY-SMITH. Page 2564, part 25, and at the same time to the testimony of the witness in part 38, at page 3504—have you found the place?

Mr. CRIM. What page in part 25?

Mr. EASBY-SMITH. Page 2564. "Senator Reed" (just below the middle of the page) "Afterwards, you did sell them to the New York World?"

"Mr. MULHALL. I have letters to show that I did not sell them. I say I did not sell them." Did you so testify?

Mr. CRIM. Call his attention to the entire colloquy with that regard to that, and there will be no objection.

Mr. EASBY-SMITH. I am perfectly willing. I have directed your attention to the place, and also to another place in the record where he contradicts that. I have called your attention to both, that there may be no misunderstanding. In part 38, at page 3504——

The CHAIRMAN (interposing). Now, what was the question?

Mr. EASBY-SMITH. My question was whether or not he so testified in the Senate committee.

Mr. MULHALL. Shall I answer the question?

The CHAIRMAN. Yes; you may answer it.

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. Now, having given you a reference to the other, Mr. Mulhall, I have no objection to your making any explanation you desire.

The CHAIRMAN. Have you quoted the testimony on that last, Mr. Easby-Smith?

Mr. EASBY-SMITH. I have, sir.

The CHAIRMAN. And what is your question about it?

Mr. EASBY-SMITH. Well, I was waiting for him to examine it. I will ask you, Mr. Mulhall, whether you desire to make any explanation concerning that statement?

Mr. MULHALL (after examining paper). I want to say that Mr. Barry, just as I stated in that article, made the arrangements with the New York World.

Mr. EASBY-SMITH. Have you ever produced those letters, Mr. Mulhall, which you told the Senate committee you would produce, showing that you did not sell them?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Where are they?

Mr. MULHALL. I have put into the hands of the Senate committee a letter stating that I offered and tried to give the letters to the Hearst Syndicate of papers. That was the letter I had reference to.

Mr. EASBY-SMITH. That was the only one referred to?

Mr. MULHALL. There was some other correspondence, I believe, to that effect.

Mr. EASBY-SMITH. And I believe you offered that letter in substantiation of your statement that you did not sell the letters?

Mr. MULHALL. I offered it to show that I had no intention of selling the letters; that I was willing to have the letters published at all times.

Mr. EASBY-SMITH. And to show that you had not sold them?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You referred the other day to 10 of the ring leaders in the N. A. M., among whom you mentioned Mr. Parry. Do I correctly understand you, Mr. Mulhall?

Mr. MULHALL. I said—I stated, as I state now, that there was 10 members of the organization that always, while I was with it, run it. Yes, sir; I mentioned Mr. Parry.

Mr. EASBY-SMITH. What is Mr. Parry's full name and where does he live?

Mr. MULHALL. David M. Parry, of Indianopolis, Ind.

Mr. EASBY-SMITH. Is he one of the gentlemen whom you consider responsible for this corrupt work on the part of the N. A. M.?

Mr. MULHALL. He is one of the gentlemen that I—as a director of the organization that has a part of the work; yes, sir.

Mr. EASBY-SMITH. Has a part of the work which you have related?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And which you, of course, yourself, have described as corrupt, improper, dirty work?

Mr. MULHALL. Can you find that in my testimony?

Mr. CRIM. One moment.

Mr. EASBY-SMITH. Yes; I find the expression here.

Mr. MULHALL. Just read it.

Mr. EASBY-SMITH. I have not time to turn to it now. You have designated it as "corrupt" work?

Mr. MULHALL. You read it.

Mr. EASBY-SMITH. I will ask you to state whether or not you do consider that it was corrupt and improper?

Mr. CRIM. I object to that as incompetent, irrelevant, and immaterial. You should ascertain the facts in the witness's mind and let the committee conclude as to whether it is corrupt, or not, in its findings.

Mr. CLINE. Mr. Easby-Smith is asking for a conclusion from the witness. If he wants to refresh the witness's recollection, he may ask him whether or not he did so testify.

Mr. EASBY-SMITH. If the committee please, I am endeavoring to ascertain—although it is a conclusion of the witness—I am endeavoring to ascertain from the witness his personal opinion of the character of the work done by the association among whom he says Mr. Parry was responsible, and I expect to follow that up by asking him as to certain subsequent references by him to Mr. Parry.

Mr. CLINE. Well, I think, Mr. Easby-Smith, that the proper thing for you to do, in cross-examining this witness, is not to ask him for a conclusion, but ask him for the fact with reference to his direct testimony.

Mr. EASBY-SMITH. Well, I think the record is consistently clear upon that point. Now, Mr. Mulhall, when did you sever your connection with the National Association of Manufacturers?

Mr. MULHALL. The 1st day of January, 1912.

Mr. EASBY-SMITH. That is, your resignation took effect on that date?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Your resignation had been accepted, I believe, in October, 1911?

Mr. MULHALL. I wished to resign on the 23d or 24th of October, and it was declined, and Mr. Kirby asked me to stay until the first of the next year.

Mr. EASBY-SMITH. Did not Mr. Kirby at the same time instruct you that you would be paid until the first of the next year, but that you were to do no more work for his association?

Mr. MULHALL. I got a letter later on to that substance from Mr. Kirby, but I was requested, by both Mr. Emery and Mr. Bird, to continue my work.

Mr. EASBY-SMITH. So that, although you had written notice from the president that you were to discontinue your work, you did continue in the work on the verbal instructions of Mr. Emery and Mr. Bird?

Mr. MULHALL. No; not on the verbal instructions. You will find there was a letter which came to me, passed between Mr. Bird and I, which is in the correspondence, and you will find even instructions in those letters. And, furthermore, you will find that they sent me a letter, about the last day of December, 1911—Mr. Bird notified me in that letter that my services would be no longer required—or, I mean, that my resignation was accepted.

Mr. EASBY-SMITH. Let us see, Mr. Mulhall: If I correctly understand you, although your resignation was accepted by Mr. Kirby, the president, in October, you were requested by Mr. Emery and Mr. Bird to continue your work, so long as you received the salary, to the 31st of December?

Mr. MULHALL. Yes, sir; and Emery even went so far at an interview that I had quite a while after the 24th or 25th of October, over here with Mr. Emery here in Washington, as to state to me that he did not know that I was not to continue on until the first of the year, and was surprised to find that that was the situation.

Mr. EASBY-SMITH. And he wanted you to continue?

Mr. MULHALL. At that time I told Mr. Bird what I had received from Mr. Kirby, and I believe called his attention to the letter—I believe I have the letter with me.

Mr. EASBY-SMITH. And you did continue?

Mr. MULHALL. Not in a way, so actively continue; yes, sir.

Mr. EASBY-SMITH. Well, in what way?

Mr. MULHALL. I did not want to receive any salary, or take any salary, as I said to Mr. Kirby, without working for it.

Mr. EASBY-SMITH. Well, in what way did you continue to work: what did you do?

Mr. MULHALL. I came over here to Washington several times, made inquiries in a way, and picked up information, as I had been doing in the past—maybe not as actively as I had been doing.

Mr. EASBY-SMITH. Did you report that information to anyone?

Mr. MULHALL. Yes, sir. If you will take the correspondence for that you will find it has been pretty fully reported.

Mr. EASBY-SMITH. You made written reports, during October, November, and December of 1911, of the work which you were doing?

Mr. MULHALL. I believe I did, sir.

Mr. EASBY-SMITH. And as I understand, Mr. Bird as well as Mr. Emery desired you to continue in that work?

Mr. MULHALL. I will refer you to the letters to that effect—or if you will place the letters in front of me new I will give you an accurate answer.

Mr. EASBY-SMITH. Well, is that your recollection?

Mr. MULHALL. As near as I can remember; yes, sir.

Mr. EASBY-SMITH. Now, I will call your attention to letter No. 4372, which appears in Senate part 36, page 3439—a letter addressed, under date of May 26, 1913, to Mr. James E. Watson. You have the letter, Mr. Mulhall?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. I will read it to you.

Mr. MULHALL. I will read it [examining paper].

Mr. EASBY-SMITH. Very well, sir; read it aloud, if you will—either you or I.

Mr. MULHALL. If you will read it aloud I will follow you.

Mr. EASBY-SMITH.

BALTIMORE, MD., *May 26, 1913.*

You wrote it on that date, May 26th of this year?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH.

Hon. JAMES E. WATSON,
Rushville, Ind.

MY DEAR MR. WATSON: Your kind letter of May 22, in answer to mine, has been received, and I appreciate it very much. I may have made some mistakes in not finishing the paragraphs of my letter and stating to you what I wanted—

Let me interrupt myself right there, Mr. Mulhall, to refer to letter No. 4387, at page 3431, of this same part—oh, no, that is not the letter; it is letter 4387. I will pass that. I had the wrong place. I will continue the letter—I wanted to find the letter to which this was an answer. However, I will read this.

I may have made some mistakes in not finishing the paragraphs of my letter and stating to you what I wanted. I feel that your services to the National Association of Manufacturers in the past would entitle you to a great deal of consideration from that organization, so I wanted to ask you to intercede to Mr. D. M. Parry, of Indianapolis, in my behalf, and to Mr. C. C. Hanch to have Mr. J. Philip Bird and Mr. James Emery let up on the dirty fight they have been making upon me since I resigned from the organization.

I know I told you in the past, or a year before I left the organization, that Emery and Bird were almost making it impossible for me to stay within its ranks and do good work, and they succeeded in making it so hot for me that I left the organization on the 1st of January, 1912, and as I stated to you in my letter, every effort they have made since then has been a failure; and if they would do me justice with the executive board of the organization and do themselves justice, I have been told by leading members of the executive board that I would be asked back into the organization which I have been anxious to have brought around in that way for the past eight or nine months.

I have done work in other organizations since I left the manufacturers, but the work has not been steady or agreeable, and I know very well that if you would interest yourself with Mr. Parry, and see him in my behalf, and make a personal request of him to get busy, he would do so.

You wrote that letter, did you?

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. You wrote that letter?

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. Endeavoring to have Mr. Watson enlist Mr. Parry's aid to get you back into the organization as late as May 26, 1913?

Mr. MULHALL. Under certain conditions. If you will read the remainder of the letter, and read others, you will find out what the conditions were under which I wanted to get back.

Mr. EASBY-SMITH. Suppose you read the remainder of the letter and point out the part to which you refer.

Mr. MULHALL. Take the other letters—take the entire correspondence upon this subject.

Mr. EASBY-SMITH. You can not read the remainder of this letter——

Mr. MULHALL. Yes, sir; I can.

Mr. EASBY-SMITH. If you care to enlighten the committee, the committee might like to hear your explanation.

The CHAIRMAN. Can you not give your reasons without reading it?

Mr. MULHALL. Yes, sir. I did have objections to Mr. Emery working under the same system, breaking strikes, and working under the same system Mr. Emery had of taking the entire credit of the work that was done, and that I would not go back into the organization unless those people were removed or they gave me a hearing before the executive committee to show what my objections to going back into the organization were.

Mr. STAFFORD. Mr. Chairman, as this letter has been read into the record for the first time, I will ask counsel for Mr. Mulhall to make a search for the letters of date May 22 and May 17, referred to in this letter, which are not in the confidential print so far as has been discovered by me.

Mr. CRIM. You understand, Mr. Stafford, that if those letters are in the possession of the Senate committee, counsel for Mr. Mulhall can not get them very easily.

Mr. STAFFORD. I am asking more for the purpose of aiding Mr. Mulhall.

Mr. CRIM. I understand that Mr. Mulhall has produced all he had.

Mr. STAFFORD. He is continually referring to letters and frequent instances in reading the confidential print where the letters are not found.

Mr. CRIM. I appreciate that.

Mr. STAFFORD. Here are two instances where letters are wanted.

Mr. MULHALL. I will state now, Mr. Stafford, that I brought over about 400 letters about three weeks ago, or a week before appearing before this committee, and you might find a lot of extra letters in that.

The CHAIRMAN. I will ask you if those are printed in this "All letters or documents marked 'B' followed by numerals are papers furnished by Mulhall on August 4, 1913" [handing paper to witness]?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That purports to be a confidential print made by the Senate committee and a copy of which has been furnished to me. I do not know whether the Senate committee has used that correspondence yet or not.

Mr. MULHALL (after examining paper). Yes, sir; those letters are in that print.

Mr. STAFFORD. When you say "those letters" you mean——

Mr. MULHALL. I mean the 400 letters I brought over.

The CHAIRMAN. Do you happen to remember whether the letters referred to in this document are the letters?

Mr. MULHALL. Without going over it, Mr. Chairman, I could not remember it.

Mr. STAFFORD. I would like to just interpolate right there that this confidential print that has just been spoken of would show it only contains letters dated as late as October 12, 1912, where I am referring to correspondence as late as May 17 and 22, 1913. There is no correspondence printed in here after October 12, 1912. Are the letters referred to herein contained in a subsequent print?

Mr. MULHALL. I will say, Mr. Stafford, that in bringing the letters over I never culled the letters out in regard to dates, but just gathered the letters up promiscuously in the files when I brought them over.

Mr. STAFFORD. This subsequent print of your subsequent letters was arranged in chronological order dated from July 11, 1904, to October 12, 1912.

Mr. MULHALL. I believe he has read a letter just now, 1913, has he not, Mr. Chairman?

The CHAIRMAN. That letter last read was 1913.

Mr. STAFFORD. That is in the first confidential print.

Mr. EASBY-SMITH. I will read the remainder of it to you, Mr. Mulhall, so that you can have it all [reading]:

While I was in the organization I did everything I possibly could to please Mr. Parry, and I have reasons to believe he has been my friend in the past, but I wrote him several letters within the past few weeks and he has failed to answer any of them, and I feel assured that influence has been brought to bear upon him by Kirby and Bird to ignore my letters—

You meant the same "Bird"?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH [reading]:

I was given to understand that Col. George Pope, of Hartford, Conn., is the new president of the National Association of Manufacturers, and I am told that he is a very able and conscientious man and a very warm friend of Mr. Parry. I know that Mr. Parry could arrange for a meeting between Mr. Pope and myself if he wished to do so, and I have letters and credentials which I could show to Mr. Pope of my work in the past which would clearly demonstrate to him that they need my work as badly as I need their help at the present time.

What help did you need from them, Mr. Mulhall?

Mr. MULHALL. I would need their help to let me alone and let me procure employment, what they have been attempting to do ever since I left the organization.

Mr. EASBY-SMITH. Were you seeking employment with the N. A. M.?

Mr. MULHALL. At times I was seeking—there was people that I did not want to hurt, and did not want this exposé to come out if I could have an investigation inside the ranks of the N. A. M. That is why I was seeking this line.

Mr. EASBY-SMITH. And what was this place that you were seeking to procure?

Mr. MULHALL. I did not want the exposé—there was a lot of gentlemen that worked over in the Halls of Congress——

Mr. EASBY-SMITH. Name some of them, if you will.

Mr. MULHALL. Mr. Gardner, Mr. Dwight, Mr. Sherman, Senator Aldrich, and a lot of Members of Congress. I was very slow about having those letters published on that account.

Mr. EASBY-SMITH. And what employment were you seeking?

Mr. MULHALL. Anything I could get to make an honest living.

Mr. EASBY-SMITH. Were you seeking to get back into the N. A. M.?

Mr. MULHALL. Not without—not on the old lines, because, in 1910, I positively told Mr. Kirby I would quit the organization rather than serve the way they wanted me to serve at that time.

Mr. EASBY-SMITH. You did not write that, did you?

Mr. MULHALL. That was the two-hours' interview I had with Mr. Kirby (I do not believe he will deny it) asking me to serve under Mr. Emery—for Mr. Emery to take complete charge of my work while I was in the field as well as while I was in Washington, and I replied that I could not look my wife in the face if I done so, and continue breaking strikes.

Mr. EASBY-SMITH. Now I will read the last paragraph:

Now, my dear James, I hope you will do this favor for me, and I know there is many ways in which you can help me out if you wish outside of Mr. Parry, for you stand well with all the officers of that organization, and I feel there is no man can do more toward getting me what I want than yourself; so hoping to hear from you at the earliest possible moment, believe me to be, very faithfully, yours.

That is all of the letter here.

Mr. MULHALL. Yes, sir. I had all that correspondence with Mr. Watson, and I was even slow of showing Mr. Watson up.

Mr. EASBY-SMITH. What other organization had you worked for, Mr. Mulhall?

Mr. MULHALL. I worked for the national Republican congressional committee, the national committee; I worked for the New York State committee for four years in a confidential capacity——

Mr. EASBY-SMITH. I am asking for the organizations for which you worked since you left the N. A. M.?

Mr. MULHALL. I went down to Maine and worked for the brewers and worked for Mr. Gardner, what you call the New Jersey State organization; I worked for Mr. Fairchild for the twelfth, or in his district—the twenty-sixth New York district—and I worked for Mr. McDermott very faithfully in the fourth Illinois district for about four weeks.

Mr. EASBY-SMITH. Now, I read you again, and I will confine my question to this sentence:

I have done work in other organizations since I left the manufacturers, but the work has not been steady or agreeable.

I understand you did your work in Maine in the summer of 1911?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. When did you work for Mr. Fairchild?

Mr. MULHALL. In October, 1912.

Mr. EASBY-SMITH. October, 1912?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. For what organization did you work when you were working for him?

Mr. MULHALL. For the county organization, or the congressional district organization, which I supposed to be an organization.

Mr. EASBY-SMITH. What other organizations did you work for?

Mr. MULHALL. I worked in Mr. Gardner's district and took an active interest in the field in New Jersey at that time.

Mr. EASBY-SMITH. What organization did you work for there?

Mr. MULHALL. That would be Gardner's district.

Mr. EASBY-SMITH. What year?

Mr. MULHALL. 1912.

Mr. EASBY-SMITH. Any organizations outside of these local political committees—did you work for any organization outside of them?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. When you were continually receiving information from Mr. McMichael and from others during the year 1912, for whom were you getting that information concerning the activities of Congress?

Mr. MULHALL. For my own benefit. I wanted particularly to keep track of what the committees were doing at that time. I had a notion of appearing before the committees and confronting Mr. Emery at some of the hearings. The correspondence clearly shows that.

Mr. EASBY-SMITH. You were then in hostility with Mr. Emery?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. From what time did that hostility date?

Mr. MULHALL. From the time, I might state, in a sense, that I first met him.

Mr. EASBY-SMITH. In what sense, Mr. Mulhall?

Mr. MULHALL. Because I knew when he first came to Washington here that his services, that the most Mr. Emery done, as far as I could see, to make his big salary, was to study law in the law library, and to give orders to myself and others that come under his jurisdiction.

Mr. EASBY-SMITH. Outside of this general hostility you bore toward Mr. Emery from the beginning of your acquaintance, was there any other hostility between you and Mr. Emery?

Mr. MULHALL. I knew Mr. Emery participated at all conventions held by the National Association of Manufacturers, and participated at meetings of the board of directors, and took entire charge of the work that was done here in Washington and a good deal of the work done in the field, which he knew he lied absolutely when he took it.

The CHAIRMAN. One moment, now.

Mr. CRIM. Mr. Chairman, it seems to me that this line of questioning is going into the general situation. My understanding was that the committee had examined this witness particularly with

respect to Mr. McDermott at this time, and counsel for Mr. McDermott would be confined in his cross-examination with respect to the committee's inquiry as to Mr. McDermott. The last question goes into the general situation and seems to me is anticipating the committee's future work.

The CHAIRMAN. I have no objection to it, but I simply suggest——

Mr. EASBY-SMITH. If the committee please, may I be heard a moment? I submit, in this cross examination, in order to test the credibility of this witness, in order to show the character of this witness, in order to show the bias of this witness, I have a right to cross-examine him upon every syllable on which he has testified, or on every document put in evidence. I do not want to abuse that right before this committee, but I have picked out certain glaring instances upon which I wish to interrogate him; but I suppose, in regard to any matters in which he testified, I have a right to cross-examine and confront him, if possible, with contradictions.

The CHAIRMAN. Yes; you have undoubtedly that right, Mr. Easby-Smith, I think—that is, on what he has testified here before this committee. You have been asking, of course, a number of questions touching his testimony before the Senate Committee. There is no objection to it, however, and the committee is not disposed at this time to interpose any objection, recognizing your right to test the credibility of the witness. The committee only requests that you be guarded, as much as you can, about the matter and not unduly delay it.

Mr. EASBY-SMITH. I shall, Mr. Chairman. Mr. Mulhall, will you state whether or not this letter of May 26, 1913, whereby you sought to return to the employ of the National Association of Manufacturers was written after you had endeavored to have the newspapers or magazines publish your correspondence and make this grand expose?

Mr. MULHALL. No, sir; I don't think it was.

Mr. EASBY-SMITH. I refer you now to your letter of May 16, 1913, which is printed in part 25 of the Senate Hearings, at page 2563.

Mr. WILLIS. What is the number of that letter?

Mr. EASBY-SMITH. The letter is not numbered. This is a letter Mr. Mulhall produced in order to prove to the Senate committee he did not sell the papers. He has testified, as I have called to the attention of the committee, he did not sell the papers, and he stated here he would produce letters and did produce letters, showing he did not sell them.

Mr. STAFFORD. Mr. Easby-Smith, is there not an obvious typographical error in the date of the letter you just previously referred to—May 26, 1913?

Mr. EASBY-SMITH. I do not know, sir.

Mr. STAFFORD. Was not that May 26, 1912?

Mr. EASBY-SMITH. I do not know, sir. If I might see the original——

Mr. STAFFORD. It is included, I will will point out to you, in the confidential print of all letters for the year 1912.

Mr. EASBY-SMITH. I remember, Mr. Stafford, when that was reached—I am pretty sure that was a number which was stated to be out of place. It was printed out of place originally.

Mr. EMERY. Mr. Chairman, merely in order to inform the committee, you can obviously see at once that it refers to the election of

Mr. Pope as president of the National Association of Manufacturers, and as he was elected in May, 1913, obviously a letter of date May, 1913, only, could refer to that election.

Mr. STAFFORD. I see. The letter is not in chronological order with the letters of May, 1912, in the Senate confidential print.

Mr. EASBY-SMITH. I also call the committee's attention to what occurred in connection with the production of that letter:

Senator REED (continuing). There was a letter, I think, or there were two letters, which we passed over and which have not yet been read. Will the clerk kindly call my attention to them?

The CLERK of the COMMITTEE. No. 4367 is dated 1912 and ought to be 1913.

Senator CUMMINS. That letter has been read once.

Senator REED. Very well; it should go in as 1913.

So that was stricken out in the Senate committee and the letter was put in at its proper place.

Mr. STAFFORD. 4367, you say?

Mr. EASBY-SMITH. Yes. It was originally 4367.

Mr. STAFFORD. You say that letter dated here May 19, 1912, should be 1913?

Mr. EASBY-SMITH. I do not know about that letter. I am talking about this letter of May 26, 1913, the one just read to Mr. Watson.

Mr. STAFFORD. This letter is No. 4372 and not 4367.

Mr. EASBY-SMITH. Senator Reed continues:

Senator REED. Very well; it should go in as 1913.

The CLERK of the COMMITTEE. No. 4372, No. 4373.

So it had been put in out of proper order. It was May 26, 1913.

Now I call your attention to a letter you produced before the Senate committee, which is printed in Senate No. 25, page 2563, dated Baltimore, Md., May 16, 1913—dated 10 days prior to this letter seeking to return to the N. A. M. It is as follows:

BALTIMORE, MD., *May 16, 1913.*

Mr. PERRITON MAXWELL,
Editor Hearst's Magazine, 381 Fourth Avenue, New York, N. Y.

MY DEAR MR. MAXWELL: I have been anxious for some time to write you, but I am still engaged in digging through the letters in the files in my home. I am more impressed than ever with the fact that the great syndicate of papers that is owned and controlled by Mr. Hearst should own those documents that I have in my possession, for I have been a reader of Mr. Hearst's papers and periodicals for the past 20 years, and for this long period of time he has been fighting for decent conditions for the working people and attempting to drive out fake politicians in both parties. At least, this is my opinion of the principal effort he has made. I feel that with the documents in his hands that I have been gathering for the last 10 years he would accomplish more good than he has for a long period of time, for he would have the goods on a large number of fake politicians and many of the leading grafters in public life. So, for this reason, I can not understand why you people will not give the publicity I have been asking to those papers.

As I told you in my last interview, I am not seeking a monetary consideration from your people for the effort I am making, and I have explained to you in all the interviews I have had with you my reason for leaving the organization that employed me for the last 10 years was on account of the crooked work they have drifted into since 1909. I thought I could be of great service to Mr. Hearst, and to the public through him, by turning over those papers, so I am still hoping that I may have the pleasure of a hearing with Mr. Hearst upon this subject.

I have been told by Mr. Barry that other magazines will handle our story, but I feel there is no organization of newspaper people on earth that could give the publicity to the letters and documents I have like the Hearst journals, so

hoping that you can help me in some way to aid me in the effort I am making. believe me to be,

Very respectfully, yours,

MARTIN M. MULHALL,
3922 Old York Road, Baltimore, Md.

Now, as I understand from your testimony, you received a response from that gentleman that he did not care to handle the story?

Mr. MULHALL. I don't recall any such response.

Mr. EASBY-SMITH. What was the response?

Mr. MULHALL. I was called to New York on two or three different occasions by Mr. Maxwell, and Mr. Maxwell himself told me that he was more than anxious for them to have this matter published. After receiving that letter Mr. Maxwell wrote this himself and sent me up to Mr. Hearst (producing paper). It is in Mr. Maxwell's handwriting, to Mr. Hearst's address.

The CHAIRMAN. Will you read what it is there?

Mr. MULHALL. This is the address, on the letter heading of the Hearst magazine—that is, their envelope—and Mr. Maxwell wrote Mr. Hearst's address and advised me to go to Mr. Hearst's apartment to see Mr. Hearst himself, because he said he had had several interviews with Mr. Hearst and wanted Mr. Hearst to publish the letters, and the only reason I could get why Mr. Hearst did not want to publish the letters was because Mr. Hearst thought it would help this present Wilson administration.

Mr. EASBY-SMITH. Read what is on the envelope, Mr. Mulhall.

Mr. MULHALL. "W. R. Hearst, Esquire, New Caledonia, Riverside, Eighty-sixth Street, New York City."

Mr. EASBY-SMITH. And by whom was that written?

Mr. MULHALL. Mr. Maxwell.

Mr. EASBY-SMITH. He handed it to you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. In New York?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. When?

Mr. MULHALL. After sending that letter to him I had two interviews, or three interviews, with Mr. Maxwell after that letter.

Mr. EASBY-SMITH. You followed this letter of May 16 by going to New York to see Mr. Maxwell?

Mr. MULHALL. At his request; yes, sir.

Mr. EASBY-SMITH. At his request—written request?

Mr. MULHALL. No, sir; I had—I believe I had some correspondence with Mr. Barry on that subject, asking me there.

Mr. EASBY-SMITH. Then, at Mr. Barry's request, you went there and went to see——

Mr. MULHALL. No; I went at Mr. Maxwell's request.

Mr. EASBY-SMITH. Do you know in what manner Mr. Maxwell requested you to go?

Mr. MULHALL. I believe once by telegram, and another time a long-distance phone message.

Mr. EASBY-SMITH. Have you the telegram?

Mr. MULHALL. I think I have it in my papers.

Mr. EASBY-SMITH. It has not been printed?

Mr. MULHALL. I am not sure whether it has or not.

Mr. EASBY-SMITH. Can you tell me, Mr. Mulhall, how long after your letter of May 16 you went over to New York and received this address from Mr. Maxwell?

Mr. MULHALL. How long after May 16—how long after I wrote that letter?

Mr. EASBY-SMITH. How long after you wrote that letter, which is printed in the Senate hearings. How long after that did you go to New York and get this address from Mr. Maxwell?

Mr. MULHALL. I went there on three different occasions. I think it was during the latter part of May.

Mr. EASBY-SMITH. The latter part of May?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Did you see Mr. Hearst?

Mr. MULHALL. No, sir; I went to Mr. Hearst's home and sent in my card and Mr. Hearst's servant came out and told me he had just went downtown about 15 minutes before I got there, and if I would go down to Mr. Hearst's office and see his secretary arrangements might be made for seeing him.

Mr. EASBY-SMITH. Did you see his secretary?

Mr. MULHALL. No, sir; I did not. I did not follow it up.

Mr. EASBY-SMITH. Did you see anybody connected with Mr. Hearst's papers except Mr. Maxwell?

Mr. MULHALL. No, sir; except this gentleman came to my home, Mr. Barry.

Mr. EASBY-SMITH. Did he represent Mr. Hearst's magazine and papers?

Mr. MULHALL. Yes, sir; he was sent to my home to look over my letters.

Mr. EASBY-SMITH. That is, to look over them here in Washington?

Mr. MULHALL. No; to look over them at my home in Baltimore.

Mr. EASBY-SMITH. Now, was that after your interview with Mr. Maxwell?

Mr. MULHALL. It was before I had my interview with Mr. Maxwell.

Mr. EASBY-SMITH. You did not see Mr. Barry after your interview with Mr. Maxwell and after your attempt to see Mr. Hearst and his secretary; is that correct?

Mr. MULHALL. No; I seen Mr. Barry frequently after that.

Mr. EASBY-SMITH. Did you have any conversation with him in this attempt to have the Hearst papers take them?

Mr. MULHALL. Yes, I believe I did.

Mr. EASBY-SMITH. Who was it told you, Mr. Mulhall, that the Hearst magazines and papers would not use the matter?

Mr. MULHALL. Mr. Maxwell stated the magazine would not use it, and for me to go to see the editor of the New York American, and I stated that fact to Mr. Barry, and wanted Mr. Barry to see him.

Mr. EASBY-SMITH. Who told you the Hearst newspapers would not use it?

Mr. MULHALL. Nobody ever told me so.

Mr. EASBY-SMITH. What is the basis for your statement that the reason Mr. Hearst would not use it was because he did not want to help the Wilson administration?

Mr. CRIM. He stated Mr. Maxwell told him that.

Mr. MULHALL. I have stated positively and plainly that Mr. Maxwell made that statement.

Mr. EASBY-SMITH. You have stated that Mr. Maxwell made that statement?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That statement was not made concerning the Hearst newspapers, but concerning the Hearst magazine?

Mr. MULHALL. Concerning the magazines.

Mr. EASBY-SMITH. Now, was this letter of May 26, 1913, to Mr. Watson, seeking to return to the National Association of Manufacturers, before or after you learned that the newspapers, the Hearst publications, would not print that exposé?

Mr. MULHALL. I continued to make an effort to get a hearing before the executive board of the National Association of Manufacturers, till the contract was made with the New York World.

Mr. EASBY-SMITH. Can you answer the question, Mr. Mulhall, when, if you remember it (if you can not answer it you can say so)—whether or not you wrote the letter of May 26, 1913, to Mr. Watson, before you learned the Hearst publications would not use it; or were your efforts to have it published still pending?

Mr. MULHALL. I just stated that I was trying to have a hearing in the National Association of Manufacturers—an inside hearing—before the executive officers up to the time I made the contract with the World; then I stopped.

Mr. EASBY-SMITH. So, if I correctly understand you you were simultaneously endeavoring to get your matter published and to get back in the National Association of Manufacturers?

Mr. MULHALL. No; I was not trying to get back; I was trying to get a hearing. You can not show in Mr. Watson's letter where I was asking Mr. Watson to put me back without certain conditions.

Mr. EASBY-SMITH (reading). "* * * I have been told by leading members of the executive board that I would be asked back into the organization which I have been anxious to have brought around in that way for the past eight or nine months."

That does not mean what it says, Mr. Mulhall?

Mr. MULHALL. Not in that sense. If it was brought around the way I suggested.

Mr. EASBY-SMITH. In what sense, Mr. Mulhall?

Mr. CRIM. Now, I object to that; that has been gone into time and time again, and he said he would go back under certain conditions, and he has explained them.

Mr. MULHALL. I have stated to the gentleman if he wished——

The CHAIRMAN. One moment, I think——

Mr. EASBY-SMITH. I will pass it, Mr. Chairman.

Mr. MULHALL. I would like to answer it, Mr. Chairman.

The CHAIRMAN. Well, we do not care about it.

Mr. EASBY-SMITH. I will ask you, Mr. Mulhall, when you first met Mr. McDermott, when you first had intimate relations with him. I believe I am correct, am I not, in saying you testified both here and before the Senate committee——

Mr. FERRIS. Mr. Chairman, before Mr. Easby-Smith leaves that, I want to get, if I can, for my own benefit, the attitude of Col. Mulhall. There is a letter under date of May 26, 1913, written to Jim Watson, ex-Congressman, which is, in substance, an appeal to reenter the service of the National Association of Manufacturers.

Now, Col. Mulhall has said that was only on condition. Are the letters in evidence here to show the condition on which he was to reenter?

Mr. MULHALL. Quite a number of them; quite a number of them—that is all along, to show the conditions I was asking.

Mr. FERRIS. Those letters to Mr. Watson were only tentative?

Mr. MULHALL. Yes, sir. There is two paragraphs Mr. Watson said I omitted, didn't specify.

Mr. FERRIS. There is nothing in this letter specifying the conditions; it is simply a request to help you get back?

Mr. MULHALL. No, sir; it did not.

Mr. FERRIS. It is simply an appeal to him to have you put back?

Mr. MULHALL. Yes, sir; under certain conditions.

Mr. FERRIS. Where are those letters?

Mr. MULHALL. They are here in the files that have been turned over by the Senate committee. I saw them.

The CHAIRMAN. Independently of the letters, without reference to the letters, can you state the conditions?

Mr. MULHALL. The conditions were that I refused in 1910, as near as I can remember the date, to have anything to do with the breaking of strikes, to allow Mr. Emery to take charge of that work and to supervise my work in the field, and my relations with Mr. Bird were entirely obnoxious—it was his system of handling things, his secretive way of going about it, his demanding of complete secrecy in letter writing, and no reports made. He was going back, as I remember, to the old system that was introduced by Mr. Cushing; that is, that there should be no letter writing; it was to be a "gumshoe" campaign from start to finish, and there was no accounting given of moneys.

Mr. FERRIS. Were those conditions ever written to ex-Congressman Watson?

Mr. MULHALL. I wrote the conditions to Mr. Watson, about the attacks those two certain men would be making——

Mr. FERRIS. Did you ever write a letter to ex-Congressman Watson in which you asserted the only condition on which you would return would be the elimination of Mr. Emery and other officers——

Mr. MULHALL. I made at that time a condition to Mr. Watson that I desired a hearing, and to bring my reports before the executive board of that organization.

Mr. FERRIS. Then there is other correspondence between you and ex-Congressman Watson which discloses that condition?

Mr. MULHALL. Yes, sir; I think there are several letters, because I have always had friendly relations with Mr. Watson, because I believe Mr. Watson gives me credit to a large extent for the splendid work that was done for him in 1908, and my share in the work.

Mr. FERRIS. Were those letters prior to that time——

Mr. MULHALL. If you will pardon me, I want to say that this gentleman was a friend of mine, that in the presence of his family he held up his hand and swore that he hoped it would be withered—that if he was ever given an opportunity to help me and refused, it would be withered. I believed the gentleman was a friend, and that he would be fair, and he never did a thing from the time I was in the organization——

Mr. FERRIS. What I was trying to get at was where we can find the conditions that you set up as conditions precedent to your reentrance to the service?

Mr. MULHALL. I think, if you will take the correspondence, Mr. Ferris, you will find more——

Mr. STAFFORD. In that particular, I would like to say to Mr. Ferris that I have examined this correspondence closely and have found no letter containing any such terms. And I call upon Mr. Mulhall's counsel to examine the files at his leisure and present any such letters.

Mr. FERRIS. I want to beg the pardon of Mr. Easby-Smith for this interruption. I have not been a member of this committee all the time, and I want to keep up with it all I can.

Mr. EASBY-SMITH. Certainly, and I hope the committee will understand that any time during my examination the committee desire to ask any questions I shall not consider it an interruption.

Mr. EMERY. If the gentleman will pardon me for a moment, Mr. Chairman, a question has been asked that is of great importance to my clients and myself, and I want to suggest to the committee, in view of this statement that application was made for reinstatement, through Mr. Watson or anybody else, after the colonel severed his relations with the National Association of Manufacturers, and fixing the conditions, that every letter to anybody be produced by the colonel in which he fixes the conditions under which he would accept reinstatement.

Mr. EASBY-SMITH. Now, Mr. Mulhall, if I correctly understand this, you have a definite recollection that the first time you met Mr. McDermott was in the early part of the year 1910, when you called upon him concerning the proposed tariff commission, or tariff board, and to invite him to the convention at Indianapolis. Is that correct?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And on that occasion he abused you roundly, and you had some dispute with him?

Mr. MULHALL. I beg your pardon, he did not abuse me roundly, because I do not believe he would do it if I was present.

Mr. EASBY-SMITH. Abused your association?

Mr. MULHALL. No; he abused Mr. Van Cleave and the organization.

Mr. EASBY-SMITH. I just want to fix the time. You are quite sure of that?

Mr. MULHALL. Yes.

Mr. EASBY-SMITH. Now, Mr. Mulhall, I would like you to fix as definitely and positively as you can the next time that you had a personal interview with Mr. McDermott. I understand you to say it was in 1910 after his primary fight.

Mr. MULHALL. You are mistaken, sir; I did not say anything of the kind. I said I had several meetings with Mr. McDermott before 1910.

Mr. EASBY-SMITH. Tell me when and where they were, Mr. Mulhall, and especially when.

Mr. MULHALL. You will find a letter in the correspondence where I went out to Chicago and opposed Mr. McDermott on account of the abuse that he heaped upon the organization on my first interview, and on account of his language he used on that occasion. I believe it was in September. When I returned——

Mr. EASBY-SMITH. That was September, 1909?

Mr. MULHALL. Yes, sir. When I returned to Washington here just prior to the meeting of Congress, I believe, in the fall of 1909—I had been acquainted with Mr. McMichael, as I understood, his confidential secretary, before that time, and I had an interview with Mr. McMichael, speaking about my efforts in Chicago. He wanted to bring Mr. McDermott and me together, if I am not mistaken, about that time. I believe a few days later on he arranged for a meeting.

Mr. EASBY-SMITH. Now, will you fix that date as near as you can, Mr. Mulhall?

Mr. MULHALL. I believe it was before the holiday session of 1909.

Mr. EASBY-SMITH. You mean before the Christmas holidays?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Of 1909?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. You mean the session of 1909 and 1910?

Mr. MULHALL. The 1909 and 1910 session. They commenced in 1909 and wound up in 1910.

Mr. EASBY-SMITH. Now, was it about the time of those Christmas holidays of 1909 that this little supper happened that you have related between you and Mr. McDermott and the Count and "Hymns," whoever that might have been? Was that during the Christmas holidays of 1909?

Mr. MULHALL. You can get the date in that report, I think, Mr. Easby-Smith.

Mr. EASBY-SMITH. I am asking you for your recollection now. You stated you had a meeting about the Christmas holidays of 1909.

Mr. MULHALL. I had meetings, as I stated before, with Mr. McDermott before that little supper.

Mr. EASBY-SMITH. Now, do you recall the substance of the conversation which occurred at that meeting with Mr. McDermott, when you met him during December, 1909, shortly after your visit to Chicago in September?

Mr. MULHALL. I had several interviews, as I stated, with his secretary. I do not mean the gentleman who was on the stand here before I took it this morning.

Mr. EASBY-SMITH. You mean Mr. McMichael?

Mr. MULHALL. I mean Mr. McMichael. And I told Mr. McMichael, as I stated, the way I had met him, and Mr. McMichael got me to help out Mr. McDermott, in a sense, and send out a lot of letters to his district. When I came back from Chicago I had a large list of manufacturers, if my memory serves me right, and before the holidays, I think, I sent those letters out.

Mr. EASBY-SMITH. Before the holidays of December, 1909? Is that correct?

Mr. MULHALL. Yes, sir; I think that is correct.

Mr. EASBY-SMITH. You had originally gone to Chicago and induced Mr. Edward Rainey to be a candidate at the Democratic primaries against Mr. McDermott during the next year?

Mr. MULHALL. I helped to induce Mr. Rainey to become a candidate; yes, sir.

Mr. EASBY-SMITH. And he did become a candidate?

Mr. MULHALL. He did.

Mr. EASBY-SMITH. And he continued to be throughout the primaries, did he not?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And Mr. McDermott won out over him?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, tell us at what point you withdrew from the support of Mr. Rainey.

Mr. MULHALL. At my second meeting with Mr. McMichael, as I stated. I think it was before the holidays.

Mr. EASBY-SMITH. In order to refresh your recollection and fix the date, I will state to you that Mr. McDermott's primaries of 1910 were in the month of September, 1910—September 15, 1910. That being the fact, does that refresh your recollection as to when you withdrew your support from Mr. Rainey and wrote the letters in behalf of Mr. McDermott?

Mr. MULHALL. To get a good impression to the people I wrote them to change the impression I gave when I was out there in September, 1909.

Mr. EASBY-SMITH. I am asking when you wrote those letters.

Mr. MULHALL. As I stated about twice, I think it was before the holidays.

Mr. EASBY-SMITH. Before the holidays of 1909?

Mr. MULHALL. And '10—I mean 1909; yes, sir; Christmas being the 25th of December, 1910.

Mr. EASBY-SMITH. I want to be clear about it. The letters you wrote to Chicago in behalf of Mr. McDermott at the time you abandoned the support of Mr. Rainey were written about the time of the Christmas holidays of the year 1909?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. December, 1909. Then, in September you had been for Mr. Rainey and in and after September you were for Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, will you state, Colonel, if you know, whether or not Mr. McDermott had any knowledge at that time of the aid which you were giving him and your abandonment of Mr. Rainey?

Mr. MULHALL. I understood from Mr. McMichael; yes, sir; and later on from Mr. McDermott himself.

Mr. EASBY-SMITH. How much later on did you understand that from Mr. McDermott?

Mr. MULHALL. I think it was some time in January; I believe it was around about the time of the little supper.

Mr. EASBY-SMITH. Now, you feel quite positive about these dates, Mr. Mulhall?

Mr. MULHALL. If you will show me that letter, that expense account, and let me enlighten myself a little bit, or give me the date——

Mr. EASBY-SMITH. You mean the expense account in which you charged $8 for entertaining Mr. McDermott, Mr. McMichael, and others?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That is dated, Mr. Mulhall, December 29, 1910, and your account——

Mr. MULHALL. December 29?

Mr. EASBY-SMITH. December 29, 1910, and your account including that was made up and forwarded on the 3d day of January, 1911. I can give you the document itself.

Mr. MULHALL. I will state that that meeting then—I met Mr. McDermott frequently before December, 1910.

Mr. EASBY-SMITH. You asked me for the date of that dinner.

Mr. MULHALL. I stated to you on a good many occasions here that you have asked me, that I met Mr. McDermott a number of times before that supper.

Mr. EASBY-SMITH. When you asked me for that date, was it not because you had connected in your mind that date with your first meeting with Mr. McDermott?

Mr. MULHALL. Nothing of the kind.

Mr. EASBY-SMITH. This document is No. 4143, an account dated at Baltimore, January, 1911, and contains an account of your expenditures from December 22 to December 31, 1910.

Mr. MULHALL. You can just stay there; you can just read it.

Mr. EASBY-SMITH [handing paper to witness]. I do not want to read it. I will ask you to state whether or not that is the account. You will observe, I think, there are two copies, one filed by the National Association of Manufacturers and a carbon copy filed by you. They are both there. Is that the account you rendered?

Mr. MULHALL. Yes, sir. That is not the original account, but it looks to be a copy of the account off the original.

Mr. EASBY-SMITH. I thought that was the original.

Mr. MULHALL. No, sir; it is not the original.

Mr. EASBY-SMITH. I called for the original from the Senate committee, and I presumed that was it. Look at the carbon copy.

The CHAIRMAN. Those are all the Senate committee had.

Mr. MULHALL. If the original was there it would be signed by myself.

Mr. EASBY-SMITH. That is a carbon copy attached to it. Take the carbon copy. Is not that carbon copy the copy which you furnished from your files to the Senate committee?

Mr. CRIM. Both these are carbons, Mr. Easby-Smith.

Mr. EASBY-SMITH. Which one of them did you present to the Senate committee as coming from your files? That is what I want to know.

Mr. MULHALL. I will state, as I stated before, that I can not state that, but this is not the original copy.

Mr. EASBY-SMITH. Is either one of those documents the carbon copy which you or your clerk retained and which you filed with the Senate committee?

Mr. MULHALL. This is dated July 12, 1911.

Mr. EASBY-SMITH. You have the wrong account.

Mr. STAFFORD. In order to make the record correct, the number is not 4143, but 4022 and 4023.

Mr. CRIM. Pardon me, Mr. Easby-Smith. I find now but one under the date of January 3. I was under the impression that there were two.

Mr. EASBY-SMITH. I thought so also.

Mr. CRIM. It is my error.

Mr. EASBY-SMITH. I call your attention to the Senate testimony, page 3295 of the Senate hearings, part 34. Senator Reed was questioning you:

4022, 4023 is a copy of an account that you rendered to this association, is it not?

Mr. MULHALL. Yes, sir.

Senator REED. I call your attention to this item: "December 29. Supper for self and for J. H. McMichael; Congressman James A. McDermott, and others, at Fritz Reuter's Hotel, $8."

Did you have a supper there for Mr. McMichael and Mr. McDermott and others?

Mr. MULHALL. Yes, sir.

You so testified. That is, I believe, the correct account.

Mr. MULHALL. Reading on, Mr. Easby-Smith, I swore positively I would not swear that was my first meeting with——

Mr. EASBY-SMITH. I am not asking you that. All I want to know, Mr. Mulhall, is whether that is the account——

Mr. MULHALL. It may be one of my accounts. I don't say it is not a copy of the original, but I say it is not the original.

Mr. EASBY-SMITH. Let me ask you, then, one more question. Will you examine that and state whether or not that is the paper that was submitted to you in the Senate hearings?

Mr. MULHALL. It might be, sir. I can not even swear to that.

Mr. EASBY-SMITH. Well, there was, if I understand, an account submitted to you before the Senate committee, and you testified as to this item of $8 for a dinner on December——

Mr. MULHALL. Yes, sir; I testified to an item of $8 before the Senate committee.

Mr. EASBY-SMITH. You rendered that account, I understand, and you were paid for it?

Mr. CRIM. Mr. Easby-Smith, for the purposes of your cross-examination I will admit that this is a carbon copy.

Mr. EASBY-SMITH. I would rather have the witness admit it.

Mr. MULHALL. As far as my knowledge goes it is the copy; I will admit that.

Mr. EASBY-SMITH. And you did render an account for that item and were paid for it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Mr. Easby-Smith, if you desire, we will take a recess now.

Mr. EASBY-SMITH. At any time that is agreeable to the committee.

The CHAIRMAN. It was suggested to me that perhaps your throat was giving you trouble. It lacks 15 minutes of 1 o'clock. We will take a recess now until 2.30.

Mr. EASBY-SMITH. May I ask that during the recess, if the witness has an opportunity, he will read the Tribune article so that I may interrogate him about it?

Mr. MULHALL. I will state to the gentleman that I won't have time to read it.

Mr. EASBY-SMITH. Very well, sir.

A recess was thereupon taken until 2.30 o'clock p. m.

AFTER RECESS.

The committee reassembled at 2.30 o'clock p. m.

TESTIMONY OF MARTIN MICHAEL MULHALL—Continued.

The CHAIRMAN. You may proceed, Mr. Easby-Smith.

Mr. EASBY-SMITH. Mr Mulhall, I believe we suspended at about the point where you said you are quite sure of that item of December 29, 1910, the item of $8 paid for a supper for McMichael, McDermott, and others?

Mr. MULHALL. I did not quite catch the question.

Mr. EASBY-SMITH. We stopped where you said that you were sure of the item dated December 29, 1910, amounting to $8, for the supper for Mr. McDermott, McMichael, and others—at the place where you said that item was correct.

Mr. MULHALL. 1911, did you say?

Mr. EASBY-SMITH. 1910. The account you just had before you.

Mr. MULHALL. I thought you said it was 1911.

Mr. EASBY-SMITH. I said the account was rendered by you January 3, 1911.

Mr. MULHALL. 1910——

Mr. EASBY-SMITH. December 29, 1910. Suppose you refer to the account.

Mr. MULHALL. I have seen the account.

Mr. EASBY-SMITH. You are quite sure that is a correct account?

Mr. MULHALL. I certainly am.

Mr. EASBY-SMITH. And you did expend that money on that date in the manner indicated by you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And received the sum back from the association?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, if I state to you that witnesses will be produced here who will testify that Mr. McDermott was in Chicago on the 29th of December, 1910, and was there for several days prior to and subsequent to that date, do you still say in the face of such testimony that you adhere to that statement?

Mr. MULHALL. Yes, sir; I do.

Mr. EASBY-SMITH. Very well, sir.

Now, I want to come to the time of your meeting with Mr. McDermott, at which your acquaintance and relations began, and in order to see if I can refresh your memory, I will just refer briefly to the testimony which you have given before this committee a few days ago. I read from the typewritten record at page 1993. Members of the committee were interrogating you about the blacklist. [Reading:]

Mr. FERRIS. How long after you had the unsatisfactory interview with Mr. McDermott in his office, referred to in this letter, was it before you became friendly with Mr. McDermott?

Mr. MULHALL. I believe it was—I am not sure whether it was in the spring of 1910 or in the fall of 1910.

Mr. FERRIS. This interview in the office occurred in January, 1909?

Mr. MULHALL. Yes, sir.

Mr. FERRIS. Now, when was it, with reference to that, Mr. Mulhall?

Mr. MULHALL. Well, it was quite a long period after that.

Mr. FERRIS. Then, so far as your friendship was concerned, you had Mr. McDermott on your blacklist from January, 1909, until—what time did you say?

Mr. MULHALL. Until the meeting of Congress. I think until after he came back from Chicago in the spring of 1910, if I am not mistaken.

Mr. FERRIS. Then, that would be something over a year, would it not?

Mr. MULHALL. Yes, sir. I think after his campaign in the primaries; when he came back.

Mr. FERRIS. Yes. When and where did you and Mr. McDermott sit down and talk over your differences and agree to be friends?

Mr. MULHALL. I am not sure about that; I am not sure whether it was in his room or whether it was at Fritz Reuter's.

Mr. FERRIS. Who brought about that meeting?

Mr. MULHALL. Mr. McMichael

Mr. FERRIS. Were you all three present?

Mr. MULHALL. I think there were three or more present.

Mr. FERRIS. There were three or more present?

Mr. MULHALL. Yes, sir. I think there were five present, if I am not mistaken.

Mr. FERRIS. Who were the other two?

Mr. MULHALL. I think the Count, the party they called the Count, and a party they called Hymns.

Now, at page 1995:

Mr. FERRIS. And then you must have at some time had an interview at which you sat down and ironed out your differences. I would like to find out that date if I can?

Mr. MULHALL. I think it was in September, if I am not mistaken, that we had what you would call—coming thoroughly together and having an understanding; I think it was at Fritz Reuter's, at a little supper we gave—the supper I am talking about.

Mr. FERRIS. You gave a little supper at Fritz Reuter's, and you think it was on that occasion that you arranged to be friends?

Mr. MULHALL. Yes, sir.

And further you testified about that, at page 2015 of the typewritten record, where Mr. Stafford was questioning you about this little dinner, and the testimony is as follows:

Mr. MULHALL. I think it is my first meeting with Mr. McDermott, if I am not mistaken. I was looking over it the other day, and, if I am not mistaken, it is December 28, or 29, of 1910.

The CHAIRMAN. 1910?

Mr. MULHALL. Yes, sir.

And then further down on that page:

Mr. STAFFORD. How did you come to include that when you did not include any of those other expense items at Fritz Reuter's?

Mr. MULHALL. Well, I got better acquainted with the bunch I was with after that. That was about my first meeting."

Now, your recollection having been refreshed by your testimony of the other day, can you now tell us when it was that you had that meeting with Mr. McDermott, which was the meeting subsequent to the meeting in January, 1909—the meeting in which you became friends? That is what I want to get at. Was it in December, 1909?

Mr. MULHALL. I have said it was around the first of 1910.

Mr. EASBY-SMITH. The first of 1910?

Mr. MULHALL. Yes, sir; I had several meetings in which—about a matter—as I stated, my memory may be not a little clear, and you refreshed it by your questions. I know that during the spring of 1910 McDermott and I were active friends.

Mr. EASBY-SMITH. All through the spring of 1910?

Mr. MULHALL. Yes, sir; February, March, April, and May.

Mr. EASBY-SMITH. You said awhile ago the winter of 1910. Do you mean the winter months, January, February, and March, of 1910, or December——

Mr. MULHALL. No; January, February, and March, 1910.

Mr. EASBY-SMITH. 1910?

Mr. MULHALL. After McMichael brought him and me together.

Mr. EASBY-SMITH. Then were you mistaken the other day in your testimony which I have read to you?

Mr. MULHALL. I must have been.

Mr. EASBY-SMITH. Must have been the other day?

Mr. MULHALL. I was not clear on that. I am not mistaken. I said my memory was not clear, so I was not mistaken.

Mr. EASBY-SMITH. I want to further refresh your recollection by reading you what Mr. McMichael testified to.

Mr. MULHALL. I am not testifying to what McMichael——

Mr. EASBY-SMITH. There may be circumstances here which may refresh your recollection. I read from Part VII, at page 421 of the printed record, in which McMichael has been talking about his employment by you. He said as follows [reading]:

> The CHAIRMAN. When did Mr. McDermott first know of it?
>
> Mr. MCMICHAEL. In the year 1910, when he came back after the primaries in September, and I told him. I said, "I want to tell you something." I said, "Do you know a man named Mulhall?" He said, "Yes; he came in my office one day and extended an invitation, and I bawled him out." And I said, "I have been working for him for a long time, and they have been framing up to trim you, and had it all cut and dried for you, and I persuaded him not to, and I sat down with him and wrote about 200 letters to your district to these manufacturers, asking them not to oppose you, that you were a good fellow, and he did it upon my say-so"; and I said, "Mac, the fellow had it in his power; he had the situation pretty well in hand, and he could have trimmed you." And he said, "Well, he is not such a damned bad skate, after all." And I said, "No: he is a pretty decent guy, after all." And he said, "I would like to talk with him." And I said, "All right." He met Mr. McDermott in the corridor of the House and talked with him, and very frequently afterwards we would meet him at Fritz Reuter's.

Do those circumstances refresh your recollection as to whether or not McMichael's statement is true. He says after his return from the primaries of 1910. Was it?

Mr. MULHALL. No; it was not after the return from the primaries in 1910. Mr. McMichael put me in touch with McDermott, as near as I can remember, in the winter of 1910, not in September.

Mr. STAFFORD. You mean by the winter, the months of January, February, and March?

Mr. MULHALL. Yes, sir; during the first session of the Sixty-second or the Sixty-first Congress, is it?

Mr. WILLIS. You mean the session commencing in December, 1909?

Mr. MULHALL. No, sir—yes, sir; no, sir, in 1908, and ending in 1909. No, that was wrong. I mean commencing in 1909 and ending in 1910.

Mr. STAFFORD. The long session that begins in December of the odd year and runs into the even year prior to the election?

Mr. MULHALL. Yes, sir; that is what I mean.

Mr. Chairman, if this gentleman is holding me to dates, I wish he would produce my letters, and they will specify clearly and particulary just those interviews. I do not see why, if he is trying to catch me on a date, he don't go into my letters and read them.

The CHAIRMAN. Well, he is——

Mr. MULHALL (interposing). I do not quite understand what he is after; if he wants to get me mixed up about the winter of 1910.

The CHAIRMAN. I do not, either, but we will see. The letters are in evidence and they will speak for themselves.

Mr. EASBY-SMITH. Now, Mr. Mulhall, you have fixed that as definitely, apparently, as you can, and I would like to read to you a small extract from the New York World of June 29, 1913, in which, at the beginning of the third paragraph of that article you state—I am reading from the World—"I first interviewed Mr. McDermott when he came to Washington in 1907." Is that correct?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Then the article which you wrote for the New York World is not correct?

Mr. MULHALL. It is not, in dates.

Mr. EASBY-SMITH. It is not, in dates. Then there are mistakes in that article?

Mr. MULHALL. As far as that date is concerned. I do not know whether I am positive that I gave that date.

Mr. EASBY-SMITH. Now, Mr. Chairman, in view of the refusal of the witness this morning to identify the Tribune article, and in view of this answer, I request the committee that a subpœna duces tecum be issued for the proper person in the employ of the New York World to bring before this committee the two documents which Mr. Seibold says are in existence, namely, the first copy of this article, made by Col. Mulhall, and secondly, the revised proof which he attested here in Washington. I think that is very material, because I think from this answer that a great many very material contradictions will appear between the testimony of the witness and the article.

Mr. MULHALL. I would like to ask——

The CHAIRMAN. One moment.

Mr. MULHALL. I would like to ask for a piece of information, in regard to these subpœnas. I wish the committee would subpœna Mr. Michael McInerney, the opponent of Mr. McDermott, and Mr. Edward Tilden, of Chicago. I would like to make a request that they be subpœnaed, too.

The CHAIRMAN. Their names are in the record.

Mr. MULHALL. I think it is extremely important in this case that the documents that those gentlemen have be brought before the committee, and both these gentlemen will have a lot of information that will enlighten this committee.

The CHAIRMAN. Their names are in the record and the committee will consider the matter of subpœnaing them.

Mr. EASBY-SMITH. Now, I read from a further paragraph——

The CHAIRMAN (interposing). Just a moment, before you pass from that matter. In regard to the request for the subpœna of the World gentlemen to produce the original article that was prepared, will you give me a little more definitely just what you expect to show when it is brought here?

Mr. EASBY-SMITH. I expect to show, Mr. Chairman, that apparently the witness contends that this print is incorrect. I expect to show that in this article in the New York World and the article in the Chicago Tribune there are very material and substantial con-

tradictions between the statements contained therein and the testimony of this witness upon this stand and before the Senate committee—very substantial contradictions. For example——

The CHAIRMAN (interposing). Now, manifestly, this is an error, "I first interviewed Mr. McDermott when he came to Washington in 1907." That article is itself in evidence as it appeared in the World. The witness says that is inaccurate, that it is a mistake in date. That speaks for itself; the article has been put in evidence carrying that date of 1907, and we have the witness's testimony. What I am trying to get at is just what additional would be gained by the summoning that original article. Every witness who is important in this matter will be summoned without hesitation, but unless it is really important, you can readily understand the committee does not want to go into it.

Mr. EASBY-SMITH. Let me call attention to a paragraph preceding that statement which will show that Mr. Mulhall in preparing this article did use the year 1907, and intended to use it, as follows.

"It has generally been the rule of the National Association of Manufacturers to have its lobbyists interview all newly elected Congressmen to find out how they stood on measures that would interest the organization."

Mr. McDermott, as this committee will take judicial notice, became a Member of Congress in 1907; that was when he was a newly elected Congressman. He says he first interviewed McDermott when he came to Washington in 1907.

Now, to show, if the committee please, why it is essential that I should obtain these articles, because Mr. Mulhall has refused to accept this Tribune article as his, I call the attention of the committee to that portion of the Tribune article which refers to the amount of money which Mulhall claims to have given or loaned to Mr. McDermott, and the committee will find what I am going to read at page 7 of this typewritten print. I remind the committee that the other day, upon close interrogation by the members of the committee, Mr. Mulhall testified he did not know how much money he had let McDermott have. He testified that on one occasion he let him have $100, $35 on one day and $65 the next morning. I am sure you will remember that. Now, beginning with this subhead, "He greased McDermott," I read the following:

The CHAIRMAN. I take it that subhead—I presume it would be admitted that was not a part of Mulhall's language.

Mr. EASBY-SMITH. Oh, yes. That is evidently the head written by the newspaper man. I will read the language itself:

HE "GREASED" MCDERMOTT GOOD.

During my relations with McDermott, covering a period of four years, it is my best recollection that I personally gave to him in the aggregate between $1,500 and $2,000, always while Congress was in session, and in sums varying from $10 to $30. I rarely gave him more than $20 and never so much as $50 at one time. Most of my financial transactions with him were held at the Hotel Reuter.

Now, if the committee please, that is one of perhaps 20 very substantial differences, and that is the reason I think it is essential that we have the original documents prepared, and the revised proof attested by this witness.

The CHAIRMAN. The committee will consider it, Mr. Easby-Smith.

Mr. CLINE. I would like to make an inquiry. Do you claim that this subheading is the language of the witness?

Mr. EASBY-SMITH. No. The language which I have read, except for the subheading, we claim is the language of this witness in that article.

Mr. MULHALL. I would like to have him find where I said he greased him.

Mr. EASBY-SMITH. I do not say that you wrote that, but the remainder of the language; perhaps you will answer that now (handing paper to witness).

Mr. MULHALL (after examining paper). What is that, the Tribune? I do not want the Tribune.

The CHAIRMAN. He wants to call your attention to the particular language in that article, Col. Mulhall. What is your question, Mr. Easby-Smith?

Mr. EASBY-SMITH. My question is whether or not the witness wrote, or gave authority for the writing of the following words: "During my relations with McDermott, covering a period of four years." Have you the paper there?

Mr. MULHALL (examining paper). Is this the Tribune or the World?

Mr. EASBY-SMITH. That is the Tribune. Will you state whether or not you wrote that?

Mr. MULHALL. If you will read that out of the World I will try to answer you.

Mr. CRIM. If you can not remember, say so.

Mr. MULHALL. I can not remember.

Mr. EASBY-SMITH. You can not remember whether or not you wrote that?

Mr. MULHALL. Not in that way.

Mr. EASBY-SMITH. Is it a fact that you gave Mr. McDermott between $1,500 and $2,000?

Mr. MULHALL. I testified on several occasions that my average amounts of money to McDermott outside of the specified occasions was from about $25 to $30 a week. That's about correct.

Mr. EASBY-SMITH. Is it true that you never gave him more than $50 at one time?

Mr. MULHALL. No; there is only one exception to that. If you go about it that way, I gave him $65 at one time.

Mr. EASBY-SMITH. Now, we will pass from that, Mr. Mulhall, and I am a little curious about this room in the Capitol. When did you first go into that room?

Mr. MULHALL. Have you finished?

Mr. EASBY-SMITH. I have asked you when did you first go into that room?

Mr. MULHALL. As near as I can remember, in the spring of 1911.

Mr. EASBY-SMITH. You fixed that the other day by reference to a letter dated in June, and said it was about June. This is prior to that letter?

Mr. MULHALL. That was to my best knowledge and belief at that time.

Mr. EASBY-SMITH. About June, 1911?

Mr. MULHALL. Yes, sir. I will correct that. I think it was a little earlier now.

Mr. EASBY-SMITH. How much earlier, Mr. Mulhall?

Mr. MULHALL. I would not say it was in April or May, but I think it was earlier than June.

Mr. EASBY-SMITH. How long did you occupy that room?

Mr. MULHALL. Until about the time I left the organization.

Mr. EASBY-SMITH. And that would be about the 1st of January, 1912?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. By the way, Mr. Mulhall, as long as we have gotten back to that, since I interrogated you about it, I have found the following letter which is in the Senate confidential print, the supplemental print of August 4, 1913, which is lettered "B 235," at page 123, and is as follows (reading):

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, October 28, 1911.

Col. M. M. MULHALL,
3933 Old York Road, Waverly, Baltimore, Md.

DEAR MR. MULHALL: Your letter of October 25 conveying to me your resignation is duly received and accepted, to take effect December 31, 1911.

In view of the fact that you are under suspension——

How long had you been under suspension, Col. Mulhall?

Mr. MULHALL. I did not know as I had been under suspension. I testified to that at the morning session.

Mr. EASBY-SMITH (continuing reading):

In view of the fact that you are under suspension, by Mr. Bird's orders, it is my wish that you engage in no activity for the association from this date on, and I am instructing Mr. Bird to see that your check is sent you regularly until December 31, as stated.

I will write you further as soon as I have a little more time at my disposal.

Yours, very truly,

J. KIRBY, Jr.,
President.

That does fix the date of your resignation?

Mr. MULHALL. I knew the date; I know when I offered it.

Mr. EASBY-SMITH. And it was accepted October 28?

Mr. MULHALL. No; it was accepted in January—the 1st day of January, 1912.

Mr. EASBY-SMITH. Very well, we will not quibble about that. Now, then, did you continue to occupy this room after the acceptance of your resignation?

Mr. MULHALL. Yes, sir. I came here to Washington on several occasions after that, after I sent in the resignation.

Mr. EASBY-SMITH. For what purpose did you use the room during those two months?

Mr. MULHALL. I met McMichael there and I might have gotten out a good many of my reports there.

Mr. EASBY-SMITH. Did you continue to occupy that room, or in any manner use it after January 1, 1912?

Mr. MULHALL. No, sir; I did not.

Mr. EASBY-SMITH. I believe you have testified, Col. Mulhall, before this committee, that Mr. McDermott gave you the key to that room in his office in this office building?

Mr. MULHALL. In this office building?

Mr. EASBY-SMITH. In this Office Building.

Mr. MULHALL. Can you find that in my testimony?

Mr. EASBY-SMITH. Yes, sir; I will read to you. I will have it looked up, for I have not the page reference right now, and we will pass along for a few moments to something else. What is your present recollection as to where and how you got that key?

Mr. MULHALL. I was under the impression that he instructed McMichael to give me a key and that McMichael went down to this room when I first met McMichael there, he opened the door for me and tendered me the key of the room, and I thought that later on McDermott came in and I told him, and McMichael or McDermott, I am not sure which, asked me if I had a key, if McMichael had turned over the key, and I said yes.

Mr. EASBY-SMITH. If you testified the other day before this committee that McDermott gave you that key in his office in this office building, were you mistaken?

Mr. MULHALL. I might have been.

Mr. EASBY-SMITH. Were you or not?

Mr. MULHALL. You find it first and we will see whether I was mistaken or not?

The CHAIRMAN. Mr. Easby-Smith, will you let me have the correspondence between Senator Overman and myself there? I think the letter is connected with those.

Mr. EASBY-SMITH. They are all there, Mr. Chairman, in front of the witness.

(The chairman examines letters.)

Mr. EASBY-SMITH. It is at page 217 of the typewritten record of August 22, the chairman, after a long question, winds up "How did you get that room?"

Mr. MULHALL. The room was given to me by Mr. McDermott.
The CHAIRMAN. Where?
Mr. MULHALL. I think in his own office in the House Office Building.

Now does that refresh your recollection?

Mr. MULHALL. I just simply said, "I think in his own office in the House Office Building."

Mr. EASBY-SMITH. Do you remember how you testified in the Senate upon this point?

Mr. MULHALL. I am not clear just on the subject, without reading the testimony.

Mr. EASBY-SMITH. Now, perhaps this might refresh your recollection, Mr. Mulhall——

Mr. MULHALL. Have you got the testimony of the Senate?

Mr. EASBY-SMITH. I have, sir.

Mr. MULHALL. Well, just read it.

Mr. EASBY-SMITH. I will. It is in part 35, page 3357. Senator Reed asked you about the room, "Did he turn it over to you in person, or did he turn it over to Mr. McMichael?"

Mr. MULHALL. He turned it over to me and told Mr. McMichael to get me a key, and Mr. McMichael furnished me a key.

Is that correct?

Mr. MULHALL. That is part correct—that is almost correct; yes, sir.

Mr. EASBY-SMITH. Now, let us get further to the point and see if we cannot locate it any more definitely. Mr. McMichael, before this committee, testified, first, that he gave this key to you in the room itself. Later in his testimony he testified that Mr. McDermott gave you the key. Do you know which of those statements are true?

Mr. MULHALL. My impression is, as I stated a moment ago, that Mr. McDermott sent Mr. McMichael down to the room with me, and asked him to open the room, and Mr. McMichael did tender me a key then and there. I am not sure that I put the key in my pocket, or anything like that, but when Mr. McDermott came in—I sent for Mr. McDermott, and when he came down, my best memory serves me that he asked me if I had got the key, and I believe I said I did. I am not sure whether the key was in my pocket, or where it was at the time. I think that corroborates all that I have said on the whole subject.

Mr. EASBY-SMITH. Then, you are quite positive that you did not have the room, at any rate, prior to April or May of 1911, are you?

Mr. MULHALL. I feel that I am almost positive. I did not have it until after the Democratic session, when the Democrats took charge of the House; certainly that would refresh my memory, that I have been thinking about. Mr. McDermott would not have any room before that, and that would be after the 15th of April, 1911.

Mr. EASBY-SMITH. Now, I want to interrogate you, Mr. Mulhall, about a letter, No. 3713–3735, which appears in Senate part No. 33, beginning at page 3183; first, I call your attention to your testimony at bottom of page 3179 [reads]:

Mr. MULHALL. I had several interviews with Mr. Coudrey in relation to who his opponent was, and I know that that is right, Senator; and about that time I had the use of a room in the basement here in the Capitol, and that is where those long-distance telephone calls that Mr. Schwedtman speaks about were sent, from the Capitol here to St. Louis, for Mr. Coudrey. I got Mr. Schwedtman on the long-distance phone, and had those interviews over the phone with Mr. Schwedtman that he mentions in his letter.

Now, his letter is the letter quoted by you, is it not, in this letter No. 3717, dated May 25, 1910?

Mr. MULHALL (examining paper). This is a letter to Mr. Kirby from Mr. Schwedtman, on page 3183.

The CHAIRMAN. Let the stenographer read the question.

(Here the stenographer read the last preceding question, as follows):

Mr. EASBY-SMITH. Now, I want to interrogate you, Mr. Mulhall, about a letter, No. 3713–3735, which appears in Senate part No. 33, beginning at page 3183—first, I call your attention to your testimony at bottom of page 3179——

Mr. MULHALL. I had several interviews with Mr. Coudrey in relation to who his opponent was, and I know that that is right, Senator; and about that time I had the use of a room in the basement here in the Capitol, and that is where those long-distance telephone calls that Mr. Schwedtman speaks about were sent, from the Capitol here to St. Louis for Mr. Coudrey.

Mr. EASBY-SMITH. May I ask you, Mr. Mulhall, whether those long-distance telephone messages mentioned in that letter were sent from that room?

Mr. MULHALL. I am under the impression now, sir, that they were not.

Mr. EASBY-SMITH. I call your attention to your testimony in part 35 of the Senate hearings, in which the Senate committee was inter-

rogating you, beginning at page 3355, as follows—they were interrogating you concerning Senate letter No. 4249. But before taking that up, I would like to call your attention to this letter which appears in the confidential print, under date of August 4, 1913, at page 76, as follows [reads]:

WASHINGTON, D. C., *May 23, 1910.*

FERD C. SCHWEDTMAN,
1005 Chemical Building, St. Louis, Mo.

Two long interviews with Coudrey to-day. He is extremely anxious for our help in his district. That is the reason I called you over the long-distance phone from his room. He wants to have you give him the situation regarding the manufacturers, and would like to have me go to St. Louis for him. He insists on making a fight. Can you reach Otto F. Stifel, the boss?

(Signed) MULHALL.

Now, I call your attention——

The CHAIRMAN (interposing). What is the date of that, please?

Mr. STAFFORD. May 23.

Mr. EASBY-SMITH. May 23, 1910. Now, I call your attention to your testimony, which is printed in part 35, page 3356, of the Senate hearings, as follows:

Senator REED. Now, Mr. Mulhall, we have had some references to this room that you have had at the Capitol, and in this letter, which is dated June 21, 1911, you state:

"We have a room in the Capitol at the present time, and we are fully provided with working material, without cost to our association, which I hope to have the pleasure of explaining to you some day this week."

Where was that room?

Mr. MULHALL. It was on this side of the Capitol, on the third floor.

Now, Mr. Mulhall, you were at that time testifying in the Senate Office Building; what did you mean by saying that it was on "this side of the Capitol?"

Mr. MULHALL. I meant it was on the Pennsylvania side, if I am not mistaken.

Mr. EASBY-SMITH. Well, what did you mean by the "Pennsylvania side"?

Mr. MULHALL. I meant the side facing the Peace Monument.

Mr. EASBY-SMITH. The side facing the Peace Monument; that is what you meant by "this side"?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. One moment. Was he, in fact, in the Senate Office Building at the time this testimony was being given?

Mr. EASBY-SMITH. He was. I presume that he was there in the committee room.

The CHAIRMAN. You know that they moved from there. The Senate committee began its meetings in the Senate Office Building, and subsequently moved to the Judiciary room, which is in the Capitol.

Mr. EASBY-SMITH. Well, I would like to be informed of the date of that, if the chairman knows it.

The CHAIRMAN. I do not know when they moved, but they did move in fact.

Mr. EASBY-SMITH. This would be in the Senate side, the Judiciary room, in the Senate side of the Capitol, would it not?

The CHAIRMAN. Yes. The Judiciary room of the Senate is in the northwest corner of the Capitol Building.

Mr. EASBY-SMITH. Well, I will continue reading. I do not know where it was. But, what did you mean by "this side," the Pennsylvania side of the building?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Very well, sir. Now, we will continue reading:

Mr. MULHALL. It was on this side of the Capitol, on the third floor.
Senator REED. Upstairs?
Mr. MULHALL. No; down.
The CHAIRMAN. Do you mean it was in the terrace?
Mr. MULHALL. Yes; you enter from the terrace into that floor, and go up a few steps——
Senator REED. Taking this floor we are on as the first floor of the building, there are upon that side of the Capitol you refer to two stories below this one, are there not?
Mr. MULHALL. Yes, sir.
Senator REED. Who got that room for you?
Mr. MULHALL. Mr. McDermott.
Senator REED. Do you know what use the room had been put to; that is, to what use it was assigned?
Mr. MULHALL. For him?
Senator REED. No; whether the room had any designation or anything of that sort?
Mr. MULHALL. I understood from Mr. McDermott it was a room he was given to use as a member of the Committee on Agriculture, and he turned it over to me.

Was that what Mr. McDermott told you?

Mr. MULHALL. I do not believe I was clear on that subject at that time, sir. I have seen the room since. I went down there with a gentleman that wanted to visit the room since, who, I understand, now is a Member of Congress, and there was some dispute about the room, and I went down there—and I think I am clear on that subject—I went down with the gentleman, he and two others, and pointed out the room to him.

Mr. EASBY-SMITH. Now, you have since your testimony definitely located that room?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. It is room No. 29, is it not?

Mr. MULHALL. I would not say the number, but it is the second room from the stairway.

Mr. EASBY-SMITH. It is the second room from the stairway, diagonally across from the office of the Superintendent of the Capitol?

Mr. MULHALL. I would not say who was on the other side.

Mr. EASBY-SMITH. Who carried you to that room?

Mr. MULHALL. Nobody carried me, I walked there.

Mr. EASBY-SMITH. Who showed you the way?

Mr. MULHALL. Mr. McMichael.

Mr. EASBY-SMITH. Mr. McMichael showed you the way to the room before you identified it for the Senate committee, is that correct?

Mr. MULHALL. Yes, sir—no; I mean—I identified it for the Senate committee. It was only a few days ago that I went there with a Member of Congress I have seen here this morning.

Mr. EASBY-SMITH. Well, it was since you testified before the Senate committee that you talked with Mr. McMicheal and located the room?

Mr. MULHALL. Yes, sir; with Mr. McMichael and two others, I have stated, Mr. Murphy and a Member of Congress.

Mr. EASBY-SMITH. I will continue:

Senator REED. And about when, with reference to the date of this letter, which, as I have said, is June 21, 1911, did he turn it over to you?
Mr. MULHALL. It must have been about a week or 10 days pervious to that letter, if I am not mistaken.

Now, I shall read from page 3357, as follows:

The CHAIRMAN. Did you meet other parties in the room?
Mr. MULHALL. Yes; I met Mr. Coudrey there on different occasions.

Did you ever meet Mr. Coudrey in that room?

Mr. MULHALL. I am not clear on that subject now. I believe Mr. Fassett had a room close to there, on the elevator, and I believe I got the two rooms confused.

Mr. EASBY-SMITH. Now, I will read from the bottom of the page:

The CHAIRMAN. Whom else did you meet there?
Mr. MULHALL. Mr. McMichael, Mr. Coudrey, and Mr. McDermott. Mr. McDermott did not want me to use the room generally, except for meeting himself and Mr. McMichael, but when I was phoning to St. Louis I used that room in Mr. Coudrey's behalf.

Is that true?

Mr. MULHALL. I am just stating that I might have gotten confused on the two rooms. My mind was not clear on it at that time.

Mr. EASBY-SMITH. What was the other room?

Mr. MULHALL. A small room that was used by Mr. Fassett on the same floor, close to the elevator, right where the elevator went down.

Mr. EASBY-SMITH. It was used by Mr. Fassett when?

Mr. MULHALL. While he was in Congress.

Mr. EASBY-SMITH. Well, when was he in Congress?

Mr. MULHALL. I think Mr. Fassett left Congress in 1910 or 1911.

Mr. EASBY-SMITH. In which year did he leave?

Mr. MULHALL. Well, I think about—well, Mr. Coudrey and Mr. Fassett were in Congress at the same time.

Mr. EASBY-SMITH. Yes.

Mr. MULHALL. And I done the telephoning for Mr. Coudrey when he was in Congress.

Mr. EASBY-SMITH. And you did it from Mr. Fassett's room, did you?

Mr. MULHALL. I believe I did.

Mr. EASBY-SMITH. Where was Mr. Fassett's room?

Mr. MULHALL. If you will go there to the Capitol with me I will take you right to it.

Mr. EASBY-SMITH. I will ask you to describe its location.

Mr. MULHALL. I have said there was an elevator going down to that floor, about two floors below the main floor of the Capitol; and it is on the same floor this McDermott room was on, or maybe two or three steps right up beside the elevator.

Mr. EASBY-SMITH. How many rooms from room 29 was Mr. Fassett's room?

Mr. MULHALL. It was the next room around the corner.

Mr. EASBY-SMITH. The next room around the corner?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Were you in there frequently?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Were you familiar with the room?

Mr. MULHALL. Quite familiar.
Mr. EASBY-SMITH. How many doors did it have?
Mr. MULHALL. Which room?
Mr. EASBY-SMITH. I am talking about Mr. Fassett's room.
Mr. MULHALL. One.
Mr. EASBY-SMITH. How many doors did room No. 29 have?
Mr. MULHALL. One; and a large window.
Mr. EASBY-SMITH. Where is the room that has three doors to it that you occupied with Mr. McMichael?
Mr. MULHALL. Well, maybe I did not just explain that right; that might be a typographical error.
Mr. EASBY-SMITH. You think it might be a typographical error?
Mr. MULHALL. Yes, sir; because, as I said, I did not wait to sign my letters.
Mr. EASBY-SMITH. Just explain, Mr. Mulhall, if you please.
Mr. MULHALL. Well, I explained that it had three large windows—not three large windows, but what I would say a large cottage window; three parts put into the one frame. The inside of the room was a room about 16 feet by 18 feet. Well, as you went in the door there was a whole lot of bags and documents piled up. In the center was a large table, something similar to this [indicating table at which members of the committee were sitting], but not as long, and around the table were chairs.
Mr. EASBY-SMITH. Was that Mr. Fassett's room?
Mr. MULHALL. I am not talking about Mr. Fassett's room. I am talking about Mr. McDermott's room.
Mr. EASBY-SMITH. Well, will you describe Mr. Fassett's room?
Mr. MULHALL. As near as I can remember, Mr. Fassett's room was quite a little room. I believe it had a few chairs and a desk.
Mr. STAFFORD. It is one of the rooms that, as you came down the elevator, the entrance is on the left?
Mr. MULHALL. Yes, sir; right on the left.
Mr. STAFFORD. And you turn around the corner, and here was the room; that was Mr. McDermott's room that you have described?
Mr. MULHALL. Yes, sir.
Mr. EASBY-SMITH. You say that the reference to that room having three doors may have been a typographical error, which your stenographer failed to correct before you signed your letter?
Mr. MULHALL. Well, I might say this, that we might have used the window if we wanted to get out in a hurry. It was very easy to do so.
Mr. EASBY-SMITH. Is that your statement, that if you wanted to get out in a hurry you could use the window?
Mr. MULHALL. Well, there is a hall right outside of the window that would let you out on that large corridor.
Mr. EASBY-SMITH. Is that the only explanation that you desire to make of your testimony before the Senate committee that the room you had had three doors to it.
Mr. MULHALL. I will ask you, as a lawyer, can you be accurate after a lapse of three or four years in all your details?
Mr. EASBY-SMITH. I am not on the witness stand.
Mr. MULHALL. I am asking you from the witness stand.
Mr. EASBY-SMITH. Well, answer my question.

The CHAIRMAN. I think the question should be answered.

Mr. MULHALL. I am answering his question by asking him one.

Mr. EASBY-SMITH. Did you not testify, Mr. Mulhall, before the Senate committee that the room which Mr. McDermott turned over to you had three doors—wait a minute until I finish my question——

Mr. MULHALL. I will wait; don't worry about that.

Mr. EASBY-SMITH. Had one side door and one door which communicated into the adjoining room? Did you not so testify before the Senate committee?

Mr. MULHALL. That might be a typographical error, as I have stated.

Mr. EASBY-SMITH. Will you say that you did not so testify before the Senate committee?

Mr. MULHALL. I do not remember so testifying.

Mr. EASBY-SMITH. I will read your testimony to you.

Mr. MULHALL. Well, read it.

Mr. CRIM. Well, what if he did? Admit that he did, for the purposes of the cross-examination——

Mr. EASBY-SMITH (interposing). I do not care for your admissions, Mr. Crim.

The CHAIRMAN. The testimony will speak for itself.

Mr. MULHALL. I was told—when I was hurried through the Senate, Mr. Chairman, I was identifying thousands of letters. I barely got a chance to glance at most of the letters. I did not get a chance to look at them. All I could see was the date and the signature, and I do not know as I ought to be held right down on cross-examination to passing over those letters, the way that I was examined on them. If I was given the opportunity of reading the letters there, as I have been before this committee, I might be more accurate, and this gentleman would not have anything to cross-question me on.

Mr. EASBY-SMITH. I call your attention to a letter, No. 4264, and to your examination at page 3597 of Senate hearing No. 39, and I will read from that letter as follows. It is dated July 7, 1911:

> The room which we have been using is on the lowest floor of the Capitol Building, fronting on Pennsylvania Avenue. It was a room which was formerly used here by a very prominent Congressman as a secret conference room, and it was turned over to his secretary after he went to the Senate side, and through the influence of his congressional friends and the above-named secretary I am told that I could use the room whenever I wished to hold secret conferences with friends.

Who was the prominent Congressman who afterwards went to the Senate and who had occupied that room?

Mr. MULHALL. I might be mistaken just about who it was who went to the Senate side. The gentleman is dead, but if you wish to bring out the name, I believe the committee will——

Mr. EASBY-SMITH. Yes; I should like to have the name.

The CHAIRMAN. I think that is a proper question.

Mr. MULHALL. I believe Mr. Southwick occupied the room for a long while; and I had been well acquainted with Mr. Southwick since the campaign of 1888.

Mr. EASBY-SMITH. Was Mr. Southwick ever in the Senate?

Mr. MULHALL. No, sir; he was not.

Mr. EASBY-SMITH. Well, then, could this have referred to Mr. Southwick, "A very prominent Congressman who went to the Senate side"?

Mr. MULHALL. Well, that might be another typographical error.

Mr. EASBY-SMITH. That is the only explanation that you care to make, Mr. Mulhall?

Mr. MULHALL. That is about all at the present time. I might get clearer later.

Mr. EASBY-SMITH. Yes.

(Thereupon, at 3.29 p. m., the committee took a recess for five minutes, at the conclusion of which the following proceedings were had:)

Mr. EASBY-SMITH. Mr. Mulhall, in your testimony before the Senate committee, part 35, page 3357, I now read as follows——

The CHAIRMAN. What page is that?

Mr. EASBY-SMITH. Page 3357, at the top.

Senator REED. Did you put any employees in that room to stay there?

Mr. MULHALL. Mr. McMichael frequently reported to me, and there was a young woman by the name of Miss Mason who used to come there and take my letters and then take them to her office and write them.

Senator REED. Describe that room; I mean with reference to its places of exit or entrance.

Mr. MULHALL. There were three ways, I believe, of getting out of the room. It had a large door at the back that lead into a kind of a back hallway, and another door leading into the room next to it, and then the door out on the corridor it was on.

Did you so testify?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Do you think that is a typographical error?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Now, you referred to a Miss Mason—Oh, before I get to that. You say you did not telephone to Mr. Coudrey from that room?

Mr. MULHALL. I am under the impression I got the two rooms mixed up.

Mr. EASBY-SMITH. Yes; so that, so far as telephoning to him is concerned, you were mistaken?

Mr. MULHALL. No; I telephoned to Mr. Coudrey. I am not mistaken about that.

Mr. EASBY-SMITH. I mean from that room.

Mr. MULHALL. I mean from that room I think I am mistaken.

Mr. EASBY-SMITH. Well, to whom else did you telephone from that room?

Mr. MULHALL. I may have used it telephoning around the building here.

Mr. EASBY-SMITH. Did you or not?

Mr. MULHALL. I believe I did.

Mr. EASBY-SMITH. Was there a telephone in the room in fact?

Mr. MULHALL. I think there was.

Mr. EASBY-SMITH. You are positive about that?

Mr. MULHALL. As near as I can remember; yes.

Mr. EASBY-SMITH. Do you know who had it put in?

Mr. MULHALL. I believe it was there when we went there.

Mr. EASBY-SMITH. And you continued to use it until you left the room?

Mr. MULHALL. I am not sure of that. It was there, as near as I can remember, while the winter session was on.

Mr. EASBY-SMITH. You spoke of having a Miss Mason come there and take stenographic notes. When was it she did that? When you first got the room?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And how long thereafter?

Mr. MULHALL. She remained there all through that session.

Mr. EASBY-SMITH. Now, you say that was in the session of 1911; that session adjourned in August?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And she remained there through June, July, and August?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Was she working for Mrs., or Miss, Gould at that time?

Mr. MULHALL. No, sir; she had expected to get a steady employment there. She left Miss Gould's office, and she took work enough from me there to about pay her a weekly salary of $15 a week, and she used to take that work to Mrs. Buxton's office, and other offices, and get it done there.

Mr. EASBY-SMITH. Where was Mrs. Buxton's office?

Mr. MULHALL. My letter states positively, and my account gives the address.

Mr. EASBY-SMITH. Were you ever in Mrs. Buxton's office?

Mr. MULHALL. No, sir; I never was.

Mr. EASBY-SMITH. It was a stenographic office, was it?

Mr. MULHALL. I am not sure of that. I know only what the young lady told me. She can be subpœnaed here.

Mr. EASBY-SMITH. Do you know where Miss Mason's address is?

Mr. MULHALL. How is that?

Mr. EASBY-SMITH. Do you know where Miss Mason's address is?

Mr. MULHALL. Well, I understood she was still in the city here, employed in the Agricultural Department, but she has been married since then.

Mr. EASBY-SMITH. Do you know her married name?

Mr. MULHALL. I did, but I have forgotten it, because she interceded with me to get her husband a promotion—or a promotion for the young man she was keeping company with.

Mr. EASBY-SMITH. Is her name Kloss, or Class?

Mr. MULHALL. I could not say what her marriage name is now, but I know—I guess that the young lady is very easy to get—I guess she will verify what I have stated, that she took notes there, and that she afterwards interested me to get her husband a promotion, or the young man that she was keeping company with at that time a promotion.

Mr. EASBY-SMITH. Mr. Mulhall, I show you four papers here, and ask you to state whether or not they are the original receipts forwarded by you [handing papers to witness] to the National Association of Manufacturers in your account for the month of July, 1911?

Mr. MULHALL. Those receipts were brought to me by Miss Mason for work done.

Mr. EASBY-SMITH. And signed by Miss or Mrs. Buxton?

Mr. MULHALL (examining papers). A. M. Buxton; yes, sir.

Mr. EASBY-SMITH. Do you know why they were signed by Mrs. Buxton?

Mr. MULHALL. Because I think she was drawing her salary from Mrs. Buxton.

Mr. EASBY-SMITH. Do you not know, as a matter of fact, that they were not signed by Mrs. Buxton?

Mr. MULHALL. I do not know anything of the kind. I do not think the young lady would lie.

Mr. EASBY-SMITH. Did she tell you that Mrs. Buxton signed them?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Did you have any reason to ask Miss Mason to get Mrs. Buxton, or anybody else, to sign those vouchers?

Mr. MULHALL. No, sir; I did not.

Mr. EASBY-SMITH. You are positive of that?

Mr. MULHALL. Positive.

Mr. EASBY-SMITH. You are positive that you did not request Miss Mason to sign Mrs. Buxton's name?

Mr. MULHALL. No, sir; I am not positive I did not ask Miss Mason to sign Mrs. Buxton's name.

Mr. EASBY-SMITH. Whom did you pay?

Mr. MULHALL. I paid Miss Mason.

Mr. EASBY-SMITH. You paid Miss Mason?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Why did you not take Miss Mason's receipts?

Mr. MULHALL. Because, as I stated a moment ago, she was employed by Mrs. Buxton.

Mr. EASBY-SMITH. Was it not because the National Association of Manufacturers had instructed you that you could not employ Miss Mason?

Mr. MULHALL. No, sir; it was not.

Mr. EASBY-SMITH. Do you not know that Mrs. Buxton does not keep a stenographic office, but keeps a boarding house at 1303 N Street in this city?

Mr. MULHALL. I do not know anything of the kind.

Mr. EASBY-SMITH. Do you know that she never had a stenographic office?

Mr. MULHALL. No, sir; I do not know that.

Mr. EASBY-SMITH. You only knew what Miss Mason told you?

Mr. MULHALL. That is all, sir.

Mr. EASBY-SMITH. I observe that one of those signatures has the letter "M" under it.

Mr. MULHALL. I guess they have all got that, haven't they?

Mr. EASBY-SMITH. No; only one. They are "A. M. Buxton," except the one which has the letter "M" under it. Do you know who signed that?

Mr. MULHALL. I suppose it would mean "Mason."

Mr. EASBY-SMITH. Do these bills cover Miss Mason's stenographic work which you dictated to her in that room in the Capitol?

Mr. MULHALL. No, sir. There must be other bills than those that——

Mr. EASBY-SMITH. Where was this dictation given to her?

Mr. MULHALL. I gave her the dictation over at the Capitol, and I think she got it out in Mrs. Gould's office.

Mr. EASBY-SMITH. Do these bills cover any work except the work you dictated to her in the room in the basement of the Capitol?

Mr. MULHALL. That is all they cover, sir.

Mr. EASBY-SMITH. So she did that much work in that room during that small portion of the month of July?

Mr. MULHALL. Yes, sir. Is it all in one month?

Mr. EASBY-SMITH. All in one month, and in a very short period of the month.

Mr. MULHALL. All in July. All right, sir.

The CHAIRMAN. Mr. Easby-Smith, do you desire to put these in evidence?

Mr. EASBY-SMITH. I do, Mr. Chairman, at least for identification. I am perfectly willing, however, to have them go in the record at this point.

The CHAIRMAN. We will let them go in chronological order, right at this point. The first one reads as follows:

Charge July 17, 1911.
Received by------
Correct------
Approved------
Secretary.
Pair; You ——— Chk ———
Cash ———

WASHINGTON, D. C., *July 5, 1911.*

M. M. Mulhall. To A. M. Buxton, Dr 1303 N. Street NW.
To stenographic services to date, $12.60.
Received payment.

A. M. BUXTON.

The CHAIRMAN. I do not understand the print in the upper right-hand corner of that letter. Can you explain it?

Mr. MULHALL (examining paper). That, as I understand, Mr. Chairman, is the print of where it was received at the National Association office.

The CHAIRMAN. That is your impression of it?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. The next reads:

WASHINGTON, D. C., *July 15, 1911.*

M. M. Mulhall. To A. M. Buxton, Dr.
To stenographic services to date, $16.25.
Received payment.

A. M. BUXTON.
M.

The CHAIRMAN (continuing). The next reads:

(Stamped:) Jul. 24, 1911.

WASHINGTON, D. C., *July 18, 1911.*

M. M. Mulhall. To A. M. Buxton, Dr.
To stenographic services to date, $2.75.
Received payment.

A. M. BUXTON.

In the upper right-hand corner are stamped the words "Jul 24 1911." What does that stamp up in the corner mean, Mr. Mulhall, if you know?

Mr. MULHALL (examining paper). I could not say, only maybe that is put on—the date it was received, Mr. Chairman.

The CHAIRMAN. Received by whom?

Mr. MULHALL. By the New York office.

The CHAIRMAN. At the N. A. M.?

Mr. MULHALL. Yes, sir. I am not so sure of that, because they have got——

The CHAIRMAN. The next reads:

JULY 29, 1911.

Col. M. M. Mulhall. To A. M. Buxton, Dr.
To stenographic services, $22.40.
Received payment.

A. M. BUXTON.

(The above receipts were marked "Mulhall Exhibit No. 3.")

Mr. EASBY-SMITH. Did anyone else take dictation from you in that room, Mr. Mulhall?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Was any typewriting ever done in that room?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Do you remember having received a letter from the association in New York at that time, instructing you that you could not employ Miss Mason?

Mr. MULHALL. Not that I could not employ her, but hesitating—that the appointment was held up.

Mr. EASBY-SMITH. Were you subsequently authorized to employ her?

Mr. MULHALL. At a subsequent interview I believe I was, I think; yes, sir.

Mr. EASBY-SMITH. Then, the letter telling you not to employ her was subsequently countermanded by personal instructions, verbal instructions; is that correct?

Mr. MULHALL. I don't know whether it was or not; I am not sure of that.

Mr. EASBY-SMITH. If it was changed, it was changed verbally?

Mr. MULHALL. You will find quite a lot of correspondence on that subject. If you will get the correspondence, I think it will enlighten you fully.

Mr. EASBY-SMITH. Mr. Chairman, I now desire to interrogate the witness on a letter which is not in the Senate hearing. May I have access to the copy of it? It is 4264.

The CHAIRMAN. In the confidential print?

Mr. EASBY-SMITH. Yes. Mr. Mulhall, this letter not having been put into this record as yet, or read to any extent, I am going to read it to you, and I ask, Mr. Chairman, that it may go into the record at this time in full. May I at the same time make the request that the Tribune article may be printed in the record at this time in connection with the World article?

The CHAIRMAN. Mr. Easby-Smith, just a moment about that. I have been thinking about that, whether it is necessary to put that Tribune article in. Have you compared those articles carefully?

Mr. EASBY-SMITH. I have, sir, and they are identical, except that some paragraphs and sentences in the Tribune article have been eliminated from the New York World article.

Mr. STAFFORD. The Tribune article is the same as the New York World article?

Mr. EASBY-SMITH. The Tribune article appears to be the same, except that some sentences and paragraphs in the Tribune article have been stricken out bodily in the New York World article. There

is no change in it between what remains of the World article and the Tribune article.

Mr. WILLIS. Everything in the World article is in the Tribune article?

Mr. EASBY-SMITH. Yes; everything in the World article is in the Tribune article, but the Tribune has something more.

The CHAIRMAN. If it is important, they had better be printed in parallel columns.

Mr. EASBY-SMITH. I should like to have that done.

Mr. STAFFORD. How many paragraphs in the Tribune article are not included in the World article?

Mr. EASBY-SMITH. I think I can call the witness' attention to it.

The CHAIRMAN. The Tribune article has not yet been identified by anybody, has it?

Mr. EASBY-SMITH. It was identified by Mr. Seibold.

The CHAIRMAN. Yes; I believe it was identified by Mr. Seibold. I am in error about that, I suppose.

Mr. STAFFORD. Will you kindly indicate on the copy you furnished us the paragraphs that are not included in the World article.

Mr. EASBY-SMITH. I have made no mark by which I could do that quickly, Mr. Stafford. I should be glad to do it for you to-night, and hand it to you.

The CHAIRMAN. Mr. Easby-Smith, do you care for anything in the Tribune article outside of that which relates to Mr. McDermott?

Mr. EASBY-SMITH. No, sir; not at all, but only this portion of the Tribune article here [indicating]. That is the entire article relating to Mr. McDermott.

The CHAIRMAN. Now, let me ask Mr. Emery—Mr. Emery, will it be your desire at any time to have this full Tribune article inserted in the record?

Mr. EMERY. No, sir; we have no interest in it.

The CHAIRMAN. The only thing Mr. Easby-Smith is interested in is the McDermott part of it.

Mr. EMERY. I understand from his statement that is the only thing.

The CHAIRMAN. I thought if there was going to be a request at any time for the printing of the Tribune article it might as well go in now and be printed in full. If not, I feel inclined to have just that part relating to Mr. McDermott printed. It is a very long article—both articles are.

Mr. WILLIS. Are you going to print the articles from both papers in parallel columns?

The CHAIRMAN. Yes.

Mr. CLINE. Mr. Chairman, I would like to ask the gentleman a question: Is there a difference in the two prints in reference to the McDermott testimony?

Mr. EASBY-SMITH. There is a difference to this extent, if the committee please, that in the Tribune article there are a great many paragraphs that do not appear in the World article.

Mr. CLINE. I desire to submit to the chairman that it would be no information to the committee to have both of those articles printed in parallel columns without first setting up which article was based upon the actual copy which was prepared by Mr. Mulhall; and it would only be relevant after that fact was established.

Mr. EASBY-SMITH. Except to this extent—that this, to a certain extent, speaks for itself, inasmuch as it is by comparison, the same article as appeared in the World. It is printed in the public prints under the heading "Martin M. Mulhall," and this witness has admitted that he knew of these publications in the Chicago Tribune and has not repudiated them. That is the inference from those facts.

Mr. MULHALL. I have done nothing of the kind.

Mr. EASBY-SMITH. I suggest, Mr. Chairman, that the purpose of introducing it is to test the recollection of the witness.

Mr. CRIM. The witness said, with regard to the Chicago article, that he had not read it.

Mr. EASBY-SMITH. But in reference to whether the Chicago Tribune or the World had printed a correct reproduction of it, and inasmuch as that question will come before the committee for an interpretation as to whether this did rest on the copy he prepared, it is pertinent to that end, in order that the committee may determine which one is the genuine article.

Mr. FERRIS. Let me inquire, Mr. Chairman: The question of expense is all the objection there could be to printing this article. Might I ask Col. Mulhall if he has a carbon copy which he could identify for us, and avoid the expense of sending some one up to New York and dragging some one from the World down here? Has he a carbon copy?

Mr. MULHALL. I was going to suggest, Mr. Ferris, several times that I think the World has a copy of it. Mr. Seibold brought all the articles over to me, and the article as printed in the World I looked over and cut some out, stating "that is not correct," and I think the article as printed in the World, as I now recall, is the correct article.

The CHAIRMAN. Do you know how long that occurred before it appeared in the World?

Mr. MULHALL. About three or four days before it appeared in the World—or a couple of days before it appeared in the World.

The CHAIRMAN. You do not know whether a carbon copy was sent to the Tribune or not?

Mr. MULHALL. I am not positive. I had no dealings with the Tribune and did not know of it until my attention was called to it later.

The CHAIRMAN. We will take that question up later in executive session. You may proceed, Mr. Easby-Smith.

Mr. EASBY-SMITH. Now, I will read this letter to you, Mr. Mulhall.

Mr. WILLIS. What is the number?

Mr. EASBY-SMITH. No. 4264.

WASHINGTON, D. C., *July 7, 1911.*

Mr. J. P. BIRD,
General Manager N. A. of M.,
30 Church Street, New York City.

MY DEAR BIRD: Yours of June 29th and July 5th have been received and carefully read. I do not intend to answer your letters fully until such time as I see Mr. Emery. He has been out of town, except for a very brief period of time yesterday, for the past week. I wish to answer in part your letter to relieve your mind in relation to this room in the Capitol. I want to say that whoever gave you the impression that we are using the room tendered to me by some friends as a regular headquarters has certainly made a mis-

take. After advising with several friends about our work in Washington here, they thought it would be more advisable and that we would be able to do better work by having some secret place where we could meet in the Capitol, and not incur the publicity that would be given by having me seen going from or to their offices in the House Office and Senate Office Buildings to see them. Besides this, I have been compelled by the requests that have been made on me from the Washington office to daily see Mr. McMichael, who is chief page of the House, and on the advice of friends of his they thought also it would be well for me not to be seen running around the House with McMichael, and in this way he could meet me at any time we liked, without being seen by any members of the labor lobby or their friends. For the past two years we have been using Mr. McMichael. We have found him a very useful friend. We have been able to use the pages of the House and get information which was of great value through his being on the floor at all times and in daily touch with most of the Members of the House, doing for them confidential work and making it possible for him to get very valuable information.

The room which we have been using is on the lowest floor of the Capitol Building, fronting on Pennsylvania Avenue. It is a room which was formerly used here by a very prominent Congressman as a secret conference room, and it was turned over to his secretary after he went to the Senate side, and through the influence of his congressional friends and the above-named secretary, I was told that I could use the room whenever I wished to hold secret conferences with friends who would prefer to have me meet them in the way I described above, rather than to be seen running around the lobbies with them or following them into their offices.

Now, Mr. Mulhall, who was the above-named secretary? I will read it to you.

Mr. MULHALL. I understood you.

Mr. EASBY-SMITH (reading). "It is a room which was formerly used by a prominent Congressman as a secret conference room, and it was turned over to his secretary after he went to the Senate side"—who was that secretary?

Mr. MULHALL. I am not clear on that, I said——

Mr. EASBY-SMITH. I thought you said Mr. McMichael and Mr. McDermott gave you this room.

Mr. MULHALL. I believe, as I have said, that I have been in the room before I ever knew Mr. McDermott, or Mr. McMichael, if I am not mistaken.

Mr. EASBY-SMITH. Now, who did give it to you? Who is this aforesaid secretary to a prominent Congressman who went to the Senate.

Mr. MULHALL. I said it was given to me by Mr. McDermott, or Mr. McMichael, or Mr. McMichael brought it up and Mr. McDermott gave me the room.

Mr. EASBY-SMITH. Was this letter true?

Mr. MULHALL. Yes, sir; in a sense it was.

Mr. EASBY-SMITH. In what sense?

Mr. MULHALL. Well, I have described the room to you about this former party using it.

Mr. EASBY-SMITH. Well, have you any recollection now, Mr. Mulhall? You wrote this letter in July, 1911, about two years ago, and you referred to a prominent Congressman who afterwards went to the Senate, and I believe afterwards you told us that it was Mr. Southwick. Do you still say that?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. He did not go to the Senate.

Mr. MULHALL. He might have left the House about that time. I do not know what date.

Mr. EASBY-SMITH. You do not know what senate he went to, do you? He did not go to the United States Senate, did he?

Mr. MULHALL. I do not believe that he went to the United States Senate.

Mr. EASBY-SMITH. What did you mean by that? What senate did he go to?

Mr. MULHALL. I could not say I know, Mr. Easby-Smith. I know he was around here quite a long time after he left the House. He was in business here.

Mr. EASBY-SMITH. Now, who was Mr. Southwick's secretary?

Mr. MULHALL. That is what I have been trying to remember.

Mr. EASBY-SMITH. Was he the one referred to here as the aforesaid secretary?

Mr. MULHALL. He might be; I am not clear on that.

Mr. EASBY-SMITH. Was he the one that gave you this room?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH (reading). "* * * and through the influence of his congressional friends and the above-named secretary I was told that I could use the room whenever I wished to hold secret conferences."

Mr. MULHALL. Does that say they gave me the room?

Mr. EASBY-SMITH. I am asking who the secretary was?

Mr. MULHALL. I say, does that article say they gave me the room? I was told I could use the room. Does it say——

Mr. EASBY-SMITH. You said, "through the influence of his congressional friends and the above-named secretary."

Mr. MULHALL. Was it improper for me to be one of the confidential friends?

Mr. EASBY-SMITH. Was he the secretary to the very prominent Congressman who afterwards went to the Senate?

Mr. MULHALL. I think he was.

Mr. EASBY-SMITH. He was the one who told you that you could use the room?

Mr. MULHALL. I certainly believe he was.

Mr. EASBY-SMITH. Who was the secretary, Mr. Mulhall?

Mr. MULHALL. I am trying to see—I say my mind is not clear on that, Mr. Easby-Smith.

Mr. EASBY-SMITH. It was clear enough in the Senate for you to say it was Mr. McMichael, wasn't it?

Mr. MULHALL. I say Mr. McMichael was Mr. McDermott's secretary; I have said that all along, until I heard this gentleman testify to-day.

Mr. EASBY-SMITH. I will read further:

There are three entrances to this office, and it is impossible for it to be closely watched.

Was that true?

Mr. MULHALL. I think it is, because you can get in through the back corridor, through the window, or through the door.

Mr. EASBY-SMITH. How could you get in through the back corridor?

Mr. MULHALL. When you go down, turn to the right sharp and come around to another long corridor; and then, if you want to, you can step over the sill and step up through the window.

Mr. EASBY-SMITH. There are two actual entrances and exits by which you can get in or out—the one is the window, and the other is the door?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That is all there is?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Where is the third entrance?

Mr. MULHALL. That might be simply an error of the typewriter.

Mr. EASBY-SMITH. That is still an error of the typewriter?

Mr. MULHALL. It might be. I will say to you right now that I have corrected letters that whole pages had to be written over again.

Mr. EASBY-SMITH (reading):

If any attempt was made to watch it, we have means of finding out in a very brief period of time, and, besides, there are no other committee rooms on this floor, and it is almost exclusive by itself, so I have used the greatest caution since I have had this privilege extended to me to not be seen entering this room when there was anyone in the corridor in which this office was located.

Is that true?

Mr. MULHALL. That is true.

Mr. EASBY-SMITH. How did you go in, Mr. Mulhall? Did you ever go in through the window?

Mr. MULHALL. I did on two occasions.

Mr. EASBY-SMITH. Did you ever go out through the window? [Laughter.]

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. What were the two occasions when you went in through the window?

Mr. MULHALL. When I seen other people standing and I did not wish to wait, I went around to the window and stepped in.

Mr. EASBY-SMITH. Describe how the window is located.

Mr. MULHALL. I said there was a center window and two smaller side ones, all about on the same level with the floor of the corridor.

Mr. EASBY-SMITH. In going through the window, did you ever go through any other window?

Mr. MULHALL. No; but I have gone through the door. I would like to take you down there, Mr. Easby-Smith, and show you. [Laughter.]

Mr. EASBY-SMITH. I have been there, Mr. Mulhall.

Mr. MULHALL. I would like to take you over there and show you. It would not take half of this time we are taking now.

Mr. EASBY-SMITH. I have been there.

Mr. MULHALL. Then, if you have been there, you know all about it.

Mr. EASBY-SMITH. I do. [Reading:]

I have told Mr. Emery about the room and invited him to meet some of our congressional friends there, and I think if he had accepted some of the invitations he could have made the matter plainer to you than he did at the last meeting with you in New York.

I wish to further state that we have never intended to hire any stenographer and put her to work in this room. This matter I talked over with Mr. McMichael and others, and we came to this conclusion when we first agreed to have this as a meeting place.

Who were the Mr. McMichael and the others.

Mr. MULHALL. Mr. McDermott.

Mr. EASBY-SMITH. Mr. McMichael and Mr. McDermott were the ones with whom you talked it over?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH (continuing reading):

Besides, we keep no records here, or anything, or any papers. Up to the present time we have kept them in the private desk of Mr. McMichael in his office, which is always securely locked, so for those reasons it would be utterly impossible for any scandal to start by my meeting friends in this room, as you say in your letter might be started by not using the greatest precaution.

Another convenience we have in this room is that we can use the phones of this office with the greatest secrecy and get in touch with any Senator or Member without any listeners.

Is that true?

Mr. MULHALL. I guess it was.

Mr. EASBY-SMITH (reading):

I am positive from this time on we will need all the help we can possibly get, for there has been a very strong labor lobby here for the past two weeks, and quite a number of the labor Congressmen have been holding meetings and making threats to force out an eight-hour bill at this extra session of Congress. Three of them met the Speaker and Chairman Lloyd of the Democratic national committee a few days ago, and called their attention to the fact that the eight-hour bill was one of the planks in the national platform, and insisted that they should bring this matter up at the next caucus and have a bill of this kind pushed through.

Congressmen Buchanan, Wilson, and Hughes have openly boasted that they could report an eight-hour bill any time they wished, and you will find that the information I am sending you in this letter is strictly correct, and it will require the hardest and best kind of work to stop them from carrying this program through.

That was written, Mr. Mulhall, July 7, 1911, during the special session of Congress, was it not?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. The first session?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Mr. Wilson was then chairman of the Committee on Labor, was he not?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Had Mr. Wilson told you at that time there would not be any labor legislation coming out of the committee that session?

Mr. MULHALL. I think Mr. Wilson did, in a sense. I had a long interview with him in his office, a friendly interview. He was a very pleasant gentleman to talk to. He knew what my position was, and I believe Mr. Wilson at that time requested me if I would let him see a list of the National Council of Industrial Defense, and I brought the list the next day, and I then showed it to him.

Mr. EASBY-SMITH. Did Mr. Wilson tell you that there would be no labor legislation coming out of the committee that session?

Mr. MULHALL. No, sir; I do not believe it was Mr. Wilson told me that story. Mr. McDermott told me there would be no labor legislation passed through the Committee on Labor at that time; and I will positively testify that all that information I put in that letter I got from your distinguished friend, Mr. McDermott.

Mr. EASBY-SMITH. You got it all from Mr. McDermott?

Mr. MULHALL. Pretty near all of it.

Mr. EASBY-SMITH. Mr. Wilson did not give you any?

Mr. MULHALL. Yes, sir; he gave me some. I had an interview with Mr. Wilson in his room.

Mr. EASBY-SMITH. Did Mr. Wilson ever see you in that little room down in the basement?

Mr. MULHALL. No, sir; he did not. I will go a point further, so that you will have this to question me on, and say the gentleman even offered to use "dough" in Chicago to beat Mr. Buchanan.

Mr. EASBY-SMITH. I beg pardon.

Mr. MULHALL. I say Mr. McDermott even offered to use "dough" to beat Mr. Buchanan. After Mr. Buchanan's first term, in talking to Mr. McDermott, Mr. McDermott at different times wanted dough, as he called it, to help beat Buchanan. I say I will give you that to think over.

Mr. EASBY-SMITH. I wish you would give me anything you can on it.

Mr. MULHALL. I am giving it to you.

The CHAIRMAN. Well, that is enough on that.

Mr. EASBY-SMITH. Now, Mr. Mulhall, were these gentlemen boasting then that they would get an eight-hour bill any time they wanted it?

Mr. MULHALL. So I understood from Mr. McDermott.

Mr. EASBY-SMITH. And you had other information from Mr. Wilson?

Mr. MULHALL. Mr. Wilson didn't say it. I don't want it thought here for a moment that Mr. Wilson was giving me any information to help the people that employed me in anything, in any way, shape, or form. It was just a friendly interview. I believe I asked the question about the situation of Mr. Wilson.

Mr. EASBY-SMITH (reading):

I am getting my work done at the office of Mrs. Ada M. Buxton, 1303 N Street NW., where Miss Mason has temporarily secured a position.

What did you know about Mrs. Buxton's office?

Mr. MULHALL. Only what I got from Miss Mason.

Mr. EASBY-SMITH (reading):

I am getting my work done much cheaper than I did at Mrs. Gould's.

Is that true?

Mr. MULHALL. That was strictly correct.

Mr. EASBY-SMITH. Was not Miss Mason still working for Mrs. Gould at that time?

Mr. MULHALL. I think she was; but she was doing the work at home.

Mr. EASBY-SMITH. She was not working at that time for Mrs. Gould?

Mr. MULHALL. I don't know whether she was or not. I told you I didn't know anything about it.

Mr. EASBY-SMITH. She was still taking it out to Mrs. Gould?

Mr. MULHALL. No, sir; she was not?

Mr. EASBY-SMITH. And did not you suggest getting the vouchers in this name?

Mr. MULHALL. This young lady can testify to that if she is brought here. I can not answer for her.

Mr. EASBY-SMITH. I will ask if you did not suggest to that lady that she sign the name of Buxton to those vouchers?

Mr. MULHALL. No, sir; I did not make any such suggestion.

Mr. EASBY-SMITH. You did not desire to secure those vouchers to deceive the National Association of Manufacurers?

Mr. MULHALL. No, sir; I did not. I positively state I did not. That is a dirty insinuation. Mr. Chairman, I think if the committee don't protect me I will protect myself.

The CHAIRMAN. You have answered it.

Mr. MULHALL. I will throw a glass at him. [Laughter.] I will.

The CHAIRMAN. The committee would not be willing to throw a glass at him.

Mr. MULHALL. I will, Mr. Chairman. I don't propose to let that gentleman—he has said it twice; that is the second time he has insulted me this morning.

The CHAIRMAN. Wait a moment, you have answered. Proceed, Mr. Easby-Smith.

Mr. EASBY-SMITH. I read further, Mr. Mulhall:

The reason I am bothering you with this letter at the present time is to fully relieve your mind and to show you that we are using the greatest precaution, instead of exposing our hands, and I close this letter by stating that for the past nine years there has not been a mistake made along these lines, except the bad break which Mr. Watson made about a year ago, about the Gardner matter, and this did not come from me.

I mark this letter confidential, for I have used Mr. McMichael's name more freely than I wished to do.

So hoping to have the pleasure of hearing from you and having a talk with you after seeing Mr. Emery, who, I understand, will be back in this city next Monday, believe me to be, as ever,

Faithfully, yours, MARTIN M. MULHALL.

Now, Mr. Mulhall, I invite your attention to letter No. 4257, which appears in the Senate print at page 3361. This leter is dated June 26, 1911, and reads as follows:

WASHINGTON, D. C., *June 26, 1911.*

Mr. J. P. BIRD,
General Manager N. A. of M.,
30 Church Street, New York City.

MY DEAR BIRD: I have been over here to-day and had an interview with Mr. Emery, and I have agreed to stay in Washington until such time as we can get this bureau of information, of which I have been speaking to you about, thoroughly organized. I will be able to have this entire affair completed by the first of the month, and Mr. McMichael and I will have it in first-class running shape, and all I stated to you in New York last Friday can be easily accomplished.

I have engaged to-day as a stenographer Miss Irene F. Mason, 1303 N Street, NW., Washington, D. C., and I have told her that she can start on the 3d day of July, and that when I am not present in the city she will be under Mr. McMichael's supervision, and will be ready to take any orders from your office that you wish to send. I wish you would send Miss Mason a pay check to the above address every two weeks, as you do to myself, for I would rather that she would receive her pay from your office than for me to pay her over here. If this meets with your approval I wish you would answer the moment you receive this, for I want to show Miss Mason the letter approving of my engagement of her services before she resigns from the position she is now holding.

She has been doing my work in Gould's office for the past year and a half, and I find her a first-class stenographer and splendidly efficient, and thoroughly reliable.

Her father is a resident of Mr. Gardner's district and lives at Vineland, N. J., and is a first-class political worker, and if we need his help for any future campaign, he will appreciate very much the favor extended to his daughter.

I have fixed Miss Mason's salary at fifteen dollars ($15.00) per week, and I know she will give satisfaction.

You remember that letter, do you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, I invite your attention to letter 4259, on page 3362 of the record, as follows:

NEW YORK, *June 29, 1911.*

Col. M. M. MULHALL,
3938 Old York Road, Waverly, Baltimore, Md.

MY DEAR COL. MULHALL: I received your letter of yesterday in reference to a stenographer, and I wired you as follows:

"Your letter 26th. Impossible for me to agree to your proposition now. Please withhold engagement of stenographer for present. Have no doubt matter will be consummated, but other preliminaries of greater importance must be considered before this engagement is effected."

I regret sincerely that you have acted with haste in this matter. It is not possible for me at all times to canvass a situation such as this. My hesitancy in the matter was promoted wholly by a desire to know what effect this bureau of information would have upon the feelings of Mr. Emery, and I had the opportunity of discussing this matter with him yesterday, and I find he is very adverse to it. Feeling that the Washington work is wholly in his hands, I have decided that it is inadvisable to employ a stenographer and place her in a room in the Capitol.

I fully realize your effort to cooperate; at the same time in the position I occupy I must view an activity of this kind from a broad standpoint; and it appeals to me if a Democratic Congress or any of our friends, the enemy, in Washington should come in possession of the fact that we were utilizing a room and engaging in an effort to distribute, under the franks of Congressmen, literature in behalf of our propaganda, I am convinced we would be subject to just censure. The employing of a stenographer and locating her in that room would place me in a doubtful position, and one that I can not accept, feeling the association can not afford to lay itself liable to the slightest suspicion. I fully appreciate your disappointment, but I am convinced of the wisdom of my course. Therefore, please govern yourself in accordance with this letter.

You received that letter?

Mr. MULHALL. I did.

Mr. EASBY-SMITH. Did you ever receive any letter countermanding the ruling in that letter?

Mr. MULHALL. I am not positive of that.

Mr. EASBY-SMITH. You did continue to employ Miss Mason?

Mr. MULHALL. Yes.

The CHAIRMAN. Have you anywhere the date of that letter?

Mr. WILLIS. June 29, 1911.

Mr. EASBY-SMITH. Yes, June 29, 1911. It was not in the Senate print.

Mr. CLINE. I would like to ask a question right there. I understood you to say that that communication was from Mr. Bird.

Mr. MULHALL. Yes, sir.

Mr. CLINE. These accounts that have been rendered here for stenographic services were rendered to the office in New York?

Mr. MULHALL. Yes, sir; they were inclosed with my reports.

Mr. CLINE. And was Mr. Bird in charge of that office?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And were those vouchers afterwards paid for July?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. Following the confidential print of the letter referred to by Mr. Easby-Smith is a copy, is it not, of one of these vouchers that have been introduced in evidence?

WASHINGTON, D. C., *July 5, 1911.*

M. M. Mulhall to A. M. Buxton, 1303 N Street NW., Dr.
To stenographic services to date, $12.00.
Received payment, A. M. BUXTON.

Mr. MULHALL. Yes, sir; that is a copy I put in my report.

The CHAIRMAN. Colonel, was it known to the New York office, after this letter of June 29 which has just been read, that you were still using that room and dictating in there?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was it known?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Was it known to Mr. Emery?

Mr. MULHALL. I believe it was, sir.

Mr. STAFFORD. How did you acquaint the New York office with that?

Mr. MULHALL. I frequently used to go to the New York office, and I believe, if I am not mistaken, I had two long interviews in that office with Mr. Bird.

The CHAIRMAN. Before or after this letter?

Mr. MULHALL. I am not positive whether it was before or after this letter, but I think there was two interviews on that subject, because I was very much in earnest about retaining the room.

The CHAIRMAN. Are you positive now that after the receipt of this letter of June 29, which has juest been read, the officials of the N. A. M. were cognizant of the fact that you were still using this room?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. In the manner which you have described?

Mr. MULHALL. Yes, sir.

Mr. CLINE. This lady that did the stenographic work, was her name stated when you informed Mr. Bird whom you had employed to do the work?

Mr. MULHALL. Yes, sir.

Mr. CLINE. And the bill was rendered in her name?

Mr. MULHALL. The bill was rendered in Mrs. Buxton's name.

Mr. CLINE. Did you ever write an explanatory letter stating where this work was done?

Mr. MULHALL. Yes, sir; there is quite a lot of correspondence and interviews with Mr. Emery on the subject.

Mr. CLINE. Did they disclose the fact that this stenographic work was done in this room No. 29?

Mr. MULHALL. Yes, sir; she took the notes there, but did not do the typewriting.

Mr. EMERY. I do not want to interrupt the cross-examination, but in justice to the association, I want, at this point, to ask if the committee is in possession of B205, contained in the confidential print, being a further letter from Mr. Bird on the same subject, dated July 5, 1911?

The CHAIRMAN. That letter, to which Mr. Emery has referred, reads as follows:

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, July 5, 1911.

Col. M. M. MULHALL,
3933 Old York Road. Waverly, Baltimore, Md.

MY DEAR COL. MULHALL: Your letter of June 30, with inclosure letter from Miss Irene F. Mason, duly received. I regret exceedingly that you should have acted hastily in this matter, for as soon as I received your letter I wired you

that there might be no delay. Therefore I am unable to see that I can be held responsible for the condition that has been created.

I still hold the same opinion in reference to this matter that my original letter conveyed to you. I regret exceedingly the outcome of it should be as it is.

Yours, very truly,

J. P. BIRD, *General Manager.*

Mr. MULHALL. I wanted Miss Mason put on a regular salary. I think that is what that letter had reference to. I stated to Mr. Bird before that we would get more work in that way, and that was debated by Mr. Bird and I, about putting her on a regular salary, and finally I was notified that Mr. Emery objected to it.

Mr. CLINE. Mr. Mulhall, I think the committee is not so much interested in knowing that you had a stenographer as in knowing whether you used a stenographer to take those notes in this room.

Mr. MULHALL. Yes, sir.

Mr. CLINE. And that you used the stenographer there and used that room after you received this letter from Mr. Bird, and used it with the knowledge of the National Association of Manufacturers?

Mr. MULHALL. Yes, sir. I want to say to the committee that there was no effort while I was with that organization—they were fully aware of everything I did by my reports. And I want to say that about that time, so the committee will know how I stood, there was a good deal of jealousy about that organization. In 1910 I got a vote of thanks by the full board of directors—executive board—for the work I did. If they will get their minutes they will show that.

Mr. CLINE. Was that after you had this room?

Mr. MULHALL. Yes, sir—no, it was in 1910, that vote of thanks was given. I will correct myself there.

Mr. WILLIS. This letter seems to indicate that there was some embarrassment about that, Mr. Mulhall. What does this last sentence mean: "I regret exceedingly the outcome of it should be as it is"?

Mr. MULHALL. Mr. Emery made two secret trips over there without letting me know what he was going there for, to this room. He objected when he saw Mr. Bird about my using that room. I always thought this, and I told Mr. Bird so at that time, that if Mr. Emery had started that movement, if it was his initiative, he would have been perfectly satisfied to go ahead with it, but because he did not start it it did not meet with his approval.

Mr. EMERY. Mr. Chairman, if it is not in the possession of the committee now, I would like to state for their information that they will find these two letters we have referred to, one of July 5, 1911, and a final letter under date of July 29, 1911, which is Exhibit K–8, in the Senate hearings, and read there.

Mr. MULHALL. Mr. Chairman——

The CHAIRMAN. One moment, Col. Mulhall. Mr. Emery, have you the full text of that letter?

Mr. EMERY. No, sir; I have only the reference to it in the table of contents and the number of the exhibit.

Mr. STAFFORD. To whom was it addressed?

Mr. EMERY. The letter of July 5, 1911, is the one you now have, and the letter of July 29, 1911, is a letter from Mr. Bird to myself.

Mr. MULHALL. I was going to say to the committee——

Mr. EMERY. Letter K–8 is an exhibit produced by ourselves.

The CHAIRMAN. You do not happen to remember the date of the hearing it was in so we could get it quickly?

Mr. EMERY. We used it on cross-examination.

The CHAIRMAN. If that can be found, Mr. Reporter, let it be inserted at this juncture.

(The letter referred to is as follows:)

K–8

JULY 29, 1911.

Mr. JAMES A. EMERY,
613 Union Trust Building, Washington, D. C.

MY DEAR MR. EMERY: Your letter of July 28th with enclosures duly received and carefully noted. It is a very good thought of yours to send such a bulletin to the members of the Legislative Committee, particularly the new members, and following your request I am forwarding to Mr. Kirby the material which you have sent for him.

I have intended writing you the last day or two in reference to the visit of Colonel Mulhall, but have not found it convenient to do so, and it seems to me that as the time for the adjournment of Congress is drawing near and as soon as it is known when they will adjourn, I had better come to Washington, or you and the Colonel come to New York, that we may sit down and discuss the matters that he has in his mind and also give him the opportunity of your judgment in reference to the field work that he is so urgently pressing. Of course it will be necessary to put him at some activity between the time of the adjournment of Congress and its reconvening, and I shall appreciate greatly your suggestions and assistance in reference to this.

The matter of the room or department of information that he has so persistently urged was discussed, but I have still held to my original decision with you not to interfere in those matters in which the Colonel is under your control. In order to avoid the possibility of the Colonel making the statement that you agreed to this and the other and then going back on you and saying that I have agreed to various other things, a conference such as I have suggested with the Colonel present would give us the opportunity of discussing the matter and arriving at a satisfactory conclusion to all concerned. If you are not agreed with my views in this matter, will you please advise me promptly that I may make arrangements to meet you here, for it is my intention shortly to make an attempt to take a vacation. However I shall hold myself at all times in readiness to return to New York on receipt of a telegram so that we will not let the vacation idea interfere with any thoughts you may have as to our getting together.

I met Mr. Kirby in Boston on Monday, July 24th and had the pleasure of spending the day with him. I feel that his trip has done him a world of good and it is his intention to continue it for some time. The general office is sending absolutely nothing to him for his consideration in a strenuous endeavor to let him enjoy to the fullest extent that which he so badly needed—full and complete rest. I remain,

Yours, very truly,

General Manager.

JPB/EAW.

Mr. MULHALL. I was going to say, Mr. Chairman, that later on the letters submitted from the New York office will verify the statements I am making here—that they submitted themselves. I will ask the gentlemen to have patience on that subject and they will be verified like lots of other statements they have denied here and on the Senate side. In fact, the Underwood matter was one of them.

The CHAIRMAN. All right; we will be patient.

Mr. EASBY-SMITH. Mr. Mulhall, I should like you to have before you letter No. 3819, 3821. Just a moment; I will first take up 3779, 3784, which is printed in the Senate hearings, part 33, beginning at page 3198. Have you found the letter?

Mr. MULHALL. Yes.

Mr. EASBY-SMITH. I read at the beginning, near the top of the page:

After leaving Mr. Emery's office I went to the Capitol and received a brief report from my labor friends, and was handed the following written statement: "The sundry civil bill now before the House, page 116, at the end of bill, on page 184, Mr. Hughes, of New Jersey, has an amendment on the eight-hour law to be offered."

Have you made a search among the Senate papers to see if the original of that note can be found?

Mr. MULHALL. Mr. Crim, I believe you said you made a——

Mr. CRIM. I requested, Mr. Chairman, that those notes be sent to you—all of the McMichael notes.

Mr. EASBY-SMITH. May I ask if they are going to be sent, Mr. Crim? Have they been found?

The CHAIRMAN. I asked the clerk of the committee during the recess to see what he could ascertain from the clerk of the Senate committee, and he advises me that the clerk of the Senate committee informed him that the McMichael notes—there was a general blanket request for the originals of all the McMichael notes—were scattered through the files, and asked that we give the numbers. I have asked the clerk of this committee to furnish the numbers and to get them if possible.

Mr. EASBY-SMITH. If they are going to be found I will leave this matter for the present and go to another.

Mr. Mulhall, I should now like to ask you about the money which you raised in Chicago. Let us see if I correctly understand your testimony. There was $250 gotten from Mr. McCormick, and that $250 check was forwarded to you in Baltimore, and you found it there? That is correct?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And there was $100 from Mr. St. John?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. He was an insurance man. And $100 from Mr. Pietz?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And $50 from Mr. Cary?

Mr. MULHALL. That is what Mr. McDermott said, that there was $50 from Mr. Cary.

Mr. EASBY-SMITH. You were waiting outside while he got that?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And there was $25 from Mr. Conover?

Mr. MULHALL. Mister who?

Mr. EASBY-SMITH. Mr. Conover, is it?

Mr. MULHALL. I don't know that I have got those cards with me to-day, but I gave the correct statement the other day.

Mr. EASBY-SMITH. That is as you testified the other day. That was the gentleman at Bartlett's place; do you remember?

Mr. MULHALL. Yes, sir; $25 from him.

Mr. EASBY-SMITH. And $10 from Mr. Carr, of the Dearborn Drug & Chemical Co.?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That makes $535. I understood you to say that besides that you knew of $25 being contributed by Mr. Glenny, or Clenny—what was his exact name?

Mr. MULHALL. I will get it for you in a moment.

Mr. EASBY-SMITH. It was spelled by the stenographer "Clenny"; I understood you to say "Glenny."

Mr. MULHALL. I don't believe I have got that card with me.

The CHAIRMAN. I have an impression that that card was handed in here.

Mr. EASBY-SMITH. I have it here—J. E., of the Sefton Manufacturing Co. That is correct.

The CHAIRMAN. Is that spelled with "C" or "G"?

Mr. MULHALL. I think it is "C."

Mr. EASBY-SMITH. Mr. Clenny, of the Sefton Manufacturing Co., gave $25. Now, Mr. Mulhall, I should like you, if you please, to relate the circumstances under which the Clenny contribution of $25 was made.

Mr. MULHALL. As I stated on Friday, I went with—I was calling then with Mr.——

Mr. EASBY-SMITH. Fleming?

Mr. MULHALL. Mr. Fleming. Mr. Fleming hired an automobile and we went to several different institutions. This Clenny plant was right close to the river, right across a bridge, and I was in doubts about getting anything there; it did not look like a place where we would get anything, but we went there and sent in our card, and we had quite a long interview, and we were both surprised at getting anything at all and the interview the gentleman gave us. He finally stated he was a member of the National Association of Manufacturers and was glad to help out in Mr. McDermott's campaign.

Mr. EASBY-SMITH. You remember the circumstancees of that very clearly?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Your mind is clear on it?

Mr. MULHALL. I think it is.

Mr. EASBY-SMITH. Did he give that $25 in a check or in money?

Mr. MULHALL. I think he gave it in cash; I am not sure.

Mr. EASBY-SMITH. Now, which? I should like you to be positive.

Mr. MULHALL. I am not sure. My mind is not clear.

Mr. EASBY-SMITH. Did he give it in your presence?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. To Mr. Fleming?

Mr. MULHALL. I don't know whether he handed it to Mr. Fleming or I, but Mr. Fleming got it before we got out of the office.

Mr. EASBY-SMITH. Are you able to tell me whether that was before or after you had determined to leave Chicago and were persuaded by Mr. Fleming and Mr. McDermott to remain longer?

Mr. MULHALL. I think it was after, because I had not gone around with Mr. Fleming very much before, and I think it was after that he got the automobile or taxi.

Mr. EASBY-SMITH. Now, Mr. Mulhall, have you, since you came back from Chicago that night, seen Mr. McDermott's return of the contributions to his primary campaign?

Mr. MULHALL. No, sir; I have not.

Mr. EASBY-SMITH. I have a facsimile here which was printed in connection with one of your articles——

Mr. MULHALL. But I will say, if you will give me that list—you are skipping the list, I think. There was more money got than you state there.

Mr. EASBY-SMITH. This was printed in connection with an article, which purports to be written by you, in the Chicago Tribune of July 9, 1913, and that makes up the $535. Mr. McDermott has here turned in those amounts, plus the $500 from Mr. John A. McDermott, making a total of $1,035. The $25 Clenny contribution would make it $1,060, including the McCormick check.

Now, if you stated, I failed to hear the other day, Mr. Mulhall, any reference to any contribution other than Mr. McDermott has mentioned in his sworn return, except the Clenny $25. Was there any other?

Mr. MULHALL. Has he specified the Link Belt people?

Mr. EASBY-SMITH. Yes; that is under the name of Pietz.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. I carefully noted them, and they added $535, and you said that later on in the campaign Mr. Clenny gave $25, and the chairman added it up, and he told you that it came to $560.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, is there any other person that gave a dollar that you know of?

Mr. MULHALL. Have you got Mr. Bartlett there?

Mr. EASBY-SMITH. We have Mr. Bartlett's contribution under the name of Conover.

Mr. MULHALL. Yes, sir; I know there are other contributions. If you will give me the list I might be better able to refresh my memory, but I know, as I stated to the committee on Friday or Saturday, that my figuring before I left Chicago, entirely independent of the McCormick matter, was $750.

Mr. EASBY-SMITH. $750, and the $250 McCormick check would make $1,000?

Mr. MULHALL. Yes, sir; and the other check, the duplicate check, would make $1,250.

Mr. EASBY-SMITH. Yes, I understand. So that there was, according to your best recollection, twice as much collected by Mr. McDermott as he included in his sworn return?

Mr. MULHALL. I don't know what he included in his sworn return.

Mr. EASBY-SMITH. I will tell you. He included, in addition to the $500 John McDermott contribution, $535 of persons whom you have mentioned, but not including Mr. Clenny's contribution of $25. I understand your recollection is that in truth and in fact he got $1,000, and if you count the $250 duplicate check from Harold McCormick he got $1,250.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, did I also correctly understand you that you did not accept and did not receive from Mr. McDermott any compensation of any sort for raising those campaign funds?

Mr. MULHALL. Not a cent, except what I got from Mr. McMichael, and the McCormick check later on.

Mr. EASBY-SMITH. You got $75 from Mr. McMichael, and you kept the $250 check from Mr. McCormick?

Mr. MULHALL. I found the check; yes, sir; I used the check to pay bills with it; that is, the bills that I incurred while I was in Chicago.

Mr. EASBY-SMITH. Now, you are quite sure of that, Mr. Mulhall?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You think your recollection is as good now as it was say in the month of May, 1912, a month or two after this happened?

Mr. MULHALL. I think, taking those lists that I turned over to the committee on Saturday—I know there was more money collected than you have stated. Not only that, but that is one reason why I would like to have Tilden brought here. We gave him a good chase for three days.

Mr. EASBY-SMITH. You did not get anything from him, did you?

Mr. MULHALL. I do not know whether we did or not. I would not say we did not, but the pursuit was hot.

Mr. EASBY-SMITH. You know of nothing from him?

Mr. MULHALL. Not to my knowledge.

Mr. EASBY-SMITH. You never saw him?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. By the way, Colonel, you spoke of there being three persons watching for Mr. Tilden, you at one door, Mr. Fleming at another, and Mr. McDermott at the foot of the steps; is that true?

Mr. MULHALL. Yes, sir; that is correct.

Mr. EASBY-SMITH. Now, if you did not know Mr. Tilden, how were you going to recognize him?

Mr. MULHALL. I had a very good description of the gentleman.

Mr. EASBY-SMITH. Describe him to us, if you will.

Mr. MULHALL. I don't know as I could describe him at present. They gave me a pretty good description at that time, or else they would not have put me on watch.

Mr. EASBY-SMITH. I understand that Mr. McDermott offered to give you in compensation 50 per cent of those collections, but you turned that proposition down?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You wanted nothing from him?

Mr. MULHALL. I did not want a cent from him.

Mr. EASBY-SMITH. You did your work out there out of gratitude for your friend McMichael?

Mr. MULHALL. No——

Mr. EASBY-SMITH. Didn't you say that the other day?

Mr. MULHALL. I said out of gratitude for McMichael and my promise to do it for Mr. McDermott on many occasions.

Mr. EASBY-SMITH. Why did you make the promise to Mr. McDermott?

Mr. MULHALL. For the different work he did for me here in Washington, the information he gave, and I was very desirous to see him come back.

Mr. EASBY-SMITH. You also said the other day you were there from the 26th of March until the 18th of April. That is correct, isn't it?

Mr. MULHALL. I want to correct that slightly, since I found a paper among my personal papers which shows I raised a mortgage just before I started out there, and this was filed on March 28 and raised on the 27th, so I would say I was about a day wrong.

Mr. EASBY-SMITH. Let us take the other end. What day did you leave Chicago?

Mr. MULHALL. As I understand, on the 18th of April.

Mr. EASBY-SMITH. Is that your best recollection?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You have not found anything to change your memory?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Suppose I should tell you, as a matter of fact, Mr. Mulhall, that the records of the Sherman Hotel in Chicago show you came on the 28th day of March, that you left there on the 8th day of April, and that you never had but one room in that hotel, what would you say to your testimony that you went there on the 24th of March, left there on the 18th of April, and changed your room——

Mr. MULHALL. I would say the records was wrong.

Mr. EASBY-SMITH. You would say the records were wrong?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, I will hand you that letter——

Mr. MULHALL. I will state that on the 8th of April was the time I settled my bill, and I was induced by Mr. Fleming to continue on. I settled my bill and they put——

Mr. EASBY-SMITH. You did settle it on that date?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You told us on Saturday that you settled it on the 5th.

Mr. MULHALL. I think I said I was not sure—the 6th or 7th or 8th.

Mr. EASBY-SMITH. You paid two bills there?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You settled one on the 8th?

Mr. MULHALL. Yes.

Mr. EASBY-SMITH. And you settled the other on the 18th?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. You were paying $3 a day for your room?

Mr. MULHALL. Yes, sir; I think so.

Mr. EASBY-SMITH. You had Room No. 624, didn't you?

Mr. MULHALL. I am not sure of the number now.

Mr. EASBY-SMITH. Do you remember what floor it was on?

Mr. MULHALL. That I am not sure of; I think it was the sixth floor.

Mr. EASBY-SMITH. Where was the second room you had?

Mr. MULHALL. It was on that same floor, I think, two doors farther down the corridor, if I am not mistaken.

Mr. EASBY-SMITH. What did you pay on April 8th?

Mr. MULHALL. I do not know just the amount of my bill just now, because some of the bills, I think, if I am not mistaken—I do not know whether I left any of the restaurant charges in on those bills or not.

Mr. EASBY-SMITH. Did you not, on the 8th of April, pay that hotel the sum of $34.25, paying 11 days' room rent at $3 per day, $1 for

telephoning, and 25 cents for some incidental expenses? Does that refresh your recollection?

Mr. MULHALL. Have you got the bill?

Mr. EASBY-SMITH. I have the information, Mr. Mulhall. I will ask you——

Mr. MULHALL. I have got the bills home, so I am not depending on your information.

Mr. EASBY-SMITH. Will you bring them?

Mr. MULHALL. I will.

Mr. EASBY-SMITH. Will you bring the receipts from that hotel?

Mr. MULHALL. I will.

Mr. EASBY-SMITH. Is it not a fact that you were not in Chicago after the 8th day of April?

Mr. MULHALL. It is a positive fact I was in Chicago until the 18th day of April.

Mr. EASBY-SMITH. And you stayed at the Sherman Hotel?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And continued to pay $3 a day?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, how many days did you spend, Mr. Mulhall, in getting campaign contributions? Tell us how much of those 22 days that you say you were there——

Mr. MULHALL. I was out with either one of those gentlemen every day I was there except maybe Sundays.

Mr. EASBY-SMITH. And every day you were there?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. How many days did you put in working among the manufacturers there, to get them friendly to McDermott?

Mr. MULHALL. Every factory that I visited I told my story of McDermott's usefulness to the interests of the National Manufacturers' Association and the manufacturing interests.

Mr. EASBY-SMITH. Did you continue to collect after the 8th of April?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Did you continue to visit manufacturers after the 8th of April?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Tell the name of one such man you visited in Chicago during that campaign after the 8th day of April, after Mr. Fleming induced you to remain?

Mr. MULHALL. Mr. St. John, and went to see him half a dozen different times.

Mr. EASBY-SMITH. You saw him half a dozen different times after he gave you the $100?

Mr. MULHALL. Yes, sir; to ask his advice.

Mr. EASBY-SMITH. Mr. St. John was an insurance agent?

Mr. MULHALL. Yes, sir; and I went to see another party, I think it was down near the river front, on two of three different occasions after that; it was an official of the organization that Mr. Job was the attorney for. He gave us quite a call down. If you will get me the list I can tell you who it was and what time. Have you the list, Mr. Chairman?

Mr. EASBY-SMITH. They are in front of you, I think.

The CHAIRMAN. Let me see if we can find the list. I think the list is right here [handing list to witness].

Mr. CRIM. Mr. Easby-Smith, will you allow me to see the facsimilies?

The CHAIRMAN. I do not know that we have them over here. I think they have been sent back. Do you want to put them in at this time?

Mr. EASBY-SMITH. The facsimilies? Yes, I would like to, Mr. Chairman.

The CHAIRMAN. I think the originals have been carried back. The original will be inserted at this point. It can be obtained.

(The original documents referred to, marked "Exhibits Mulhall Nos. 4 and 5," are as follows:)

EXHIBIT MULHALL NO. 4.

STATEMENT OF RECEIPTS AND EXPENDITURES OF CANDIDATE FOR NOMINATION FOR REPRESENTATIVE IN CONGRESS.

(For filing before primary election or nominating convention.)

(To be filed with the Clerk of the House of Representatives, Washington, D. C., not less than 10 or more than 15 days before the date of the primary election or nominating convention.

The depositing of this statement in a regular post office, directed to the Clerk of the House of Representatives, duly stamped and registered, within the time above required, is a sufficient filing of the statement.)

I hereby certify that the following is a full, correct, and itemized statement of all moneys and things of value received by me or by anyone for me with my knowledge and consent, from any source, together with the names of all those who have furnished the same in whole or in part, in aid or support of my candidacy for the Democratic nomination for Representative in the Congress of the United States from the fourth congressional district of the State of Illinois, at the primary election (nominating convention) to be held in said district on the 9th day of April, 1912, viz:

Date.	Contributions received and name of contributor.	Amount.
	None	
	Total, none.	

Also, that the following is a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by me, or by my agent, representative, or other person for or in my behalf with my knowledge or consent, together with the names of those to whom such gifts, contributions, payments, or promises were made for the purpose of procuring my nomination at such primary election (nominating convention), not including any money expended by me to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which I reside or for my necessary personal expenses incurred for myself alone for travel, subsistence, stationery, postage, or writing or printing (other than in newspapers), and distributing letters, circulars, and postals, or for telegraph and telephone service, viz:

Date.	What given, contributed, expended, used, or promised, and to whom.	Amount.
	Program advertising:	
	Hamburg, A. A	$25.00
	Mid City A. A	10.00
	Star A. C	15.00
	Golden Seals	10.00
	Young Men's South End Dem. Club	20.00
	St. Vincent De Paul Society	25.00
	Albermarle A. A	20.00
	Aushe Emuno Cong	15.00
	White Stars Society	15.00
	5th Ward Dem. Club	25.00
	St. Agnes Parish Record	8.00
	Hastings A. A	20.00
	Fourth Ward Club	10.00
	Aldine add	10.00
	Jos. Pocnek, signs and banners	340.00
	O'Brien Bros., signs and banners	16.00
	J. O'Neal, signs and banners	60.00
	M. Schoenwald, printing	123.00
	Gilmartin, printing	150.00
	Edwards-Deutsch, lithograph	200.00
	Rent of headquarters	70.00
	Joe Brown, carpenter work	16.55
	Franklin Co., cuts	14.00
	Bowling Team, expenses	58.00
	Taylor Colts, program add	5.00
	Total	1,280.55
	Al. Fleming, employee	112.00
	J. O'Connell, employee	51.00
	P. Tinney, employee	32.00
	T. Kelley, employee	12.00
	E. Clark, employee	18.00
	H. Murphy, employee	116.00
	G. Ritmeyer, employee	15.00
	E. Russell, employee	42.00
	E. Emerick, employee	100.00
	M. Schooley, employee	25.00
	T. Monahan, employee	10.00
	T. Jones, employee	147.00
	S. Finn, employee	113.00
	J. Healey, employee	108.00
	R. Mulcahy, employee	150.00
	T. O'Connor, employee	4.00
	F. Bulger, employee	16.00
	C. Burnes, employee	7.00
	H. Higgins, employee	2.00
	T. Madden, employee	19.00
	G. Dunn, employee	11.00
	Total	1,100.00

(Signature of candidate) JAS. T. McDERMOTT,
(Address) *4524 Union Avenue, Chicago, Ill.*

——— ———, *ss:*

James T. McDermott, being duly sworn, deposes (affirms) and says that the foregoing is a true and correct statement of his candidacy for nomination for Congress and of all the receipts and expenditures in aid or support of his candidacy as therein above set forth.

JAS. T. McDERMOTT.

Subscribed and sworn to (affirmed) before me this 29th day of March, A. D. 1912.

[SEAL.] JAMES J. SWEENEY, *Notary Public.*

MEMORANDUM: The above statement must be verified by oath or affirmation of the candidate before an officer in the district in which he is a candidate for Representative, unless such candidate shall be in attendance upon Congress as a Member thereof, in which case he may verify his statement in the District of Columbia.

(Endorsed.) Publicity statement before primary or convention. Name of candidate, Jas. T. McDermott; post office, Chicago; State, Illinois; district, fourth; party affiliation, Democratic; total contributions received, none; total expenditures, $2,390.55; mailed March 29, 1912. Received and filed April 1, 1912. South Trimble, Clerk.

EXHIBIT MULHALL No. 5.

STATEMENT OF RECEIPTS AND EXPENDITURES OF CANDIDATE FOR NOMINATION FOR REPRESENTATIVE IN CONGRESS.

(For filing after primary election or nominating convention.)

(To be filed with the Clerk of the House of Representatives, Washington, D. C., within 15 days after the date of the primary election or nominating convention.

The depositing of this statement in a regular post office, directed to the Clerk of the House of Representatives, duly stamped and registered, within the time above required is a sufficient filing of the statement.)

I hereby certify that the following is a full, correct, and itemized statement of all moneys and things of value received by me or by anyone for me with my knowledge and consent from any source not included in the statement heretofore filed by me with the Clerk of the House of Representatives, together with the names of all those who have furnished the same in whole or in part, in aid or support of my candidacy for the Democratic nomination for Representative in the Congress of the United States from the fourth congressional district of the State of Illinois at the primary election (nominating convention) held in said district on the 9th day of April, 1912, viz:

Date.	Contributions received and name of contributor.	Amount.
Apl. 8, 1912	John H. McDermott	$500.00
Apl. 8, 1912	H. F. McCormick	250.00
Apl. 8, 1912	E. A. St. John	100.00
Apl. 8, 1912	C. H. Peits	100.00
Apl. 4,	E. Carey	50.00
Apl. 4	H. C. Conover	25.00
Apl. 5	Geo. Carr	10.00
	Total	$1,035.00

Also, that the following is a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by me, or by my agent, representative, or other person for or in my behalf with my knowledge or consent not included in the statement heretofore filed by me with the Clerk of the House of Representatives, together with the names of those to whom such gifts, contributions, payments, or promises were made for the purpose of procuring my nomination at such primary election (nominating convention), not including any money expended by me to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which I reside or for my necessary personal expenses incurred for myself alone, for travel, subsistence, stationery, postage, or writing or printing (other than in newspapers), and distributing letters, circulars, and posters, or for telegaph and telephone service, viz:

Date.	What given, contributed, expended, used, or promised, and to whom.	Amount.
	Union Labor Advocate (newspaper ad)	$50.00
	Chicago Bulletin (newspaper ad)	50.00
	Chicago Examiner (newspaper ad)	50.00
	Chicago Zeitung (newspaper ad)	50.00
	Chicago Severa (newspaper ad)	25.00
Employees	Thos. Higgins	15.00
Do	Matt Lillie	25.00
Do	Henry Muth	25.00
Do	Mike Tyk	50.00
Do	Frank Hefferon	20.00
Do	Neil McNerney	100.00
Do	Tom Gallo	30.00
Do	F. J. Horak	25.00
Do	Loue Randle	59.00
Do	John Logger	20.00
Do	John Devens	125.00
Do	John Brennan,	50.00
Do	Walter Messinger	25.00
Do	M. Farrell	15.00
Do	Watson Signs	16.25
Do	Wm. McCarthy	30.00
Do	Wm. Muellader	20.00
Do	Joe Gross	20.00
Do	Art. Mangan	20.00
	Total	$910.25

Also, that the following is a correct summary of the statement made and filed by me with the Clerk of the House of Representatives before and after said primary election (nominating convention) as required by law, viz:

Summary of expenditures and receipts before and after primary or convention.	Amount received.	Amount expended.
Total receipts filed in statement before primary		
Total expenditures filed in statement before primary		$2,390.55
Total receipts not included in previous statement	$1,035.00	
Total expenditures not included in previous statement		910.25
Total	$1,035.00	3,300.80

Also, that the following is a correct statement of every promise or pledge made by me or by anyone for me with my knowledge and consent or to whom I have given authority to make such promise or pledge relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in a county, State, or the Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in my candidacy as aforesaid, together with the names, addresses, and occupation of the respective persons to whom such promises or pledges have been made, and a description of the respective positions relating to which such promises or pledges have been made, viz: None.

(Cross out if promise has been made.)

I further certify that no promise or pledge has been made by me, or by anyone for me with my knowledge or consent or to whom I have given authority to make such promise or pledge, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in a county, State, or the Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or any person in my candidacy as aforesaid.

(Signature of candidate) JAS. T. MCDERMOTT.
(Address) *4524 Union Avenue, Chicago, Ill.*

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Jas. T. McDermott, being duly sworn, deposes (affirms), and says that the foregoing is a true and correct statement of his candidacy for nomination for Congress and of all the receipts and expenditures and promises or pledges relative to appointment in aid or support of his candidacy as therein above set forth.

JAS. T. MCDERMOTT.

Subscribed and sworn to (affirmed) before me this 23d day of April, A. D. 1912.

[SEAL.] W. B. JOHNSON,
Notary Public.

MEMORANDUM.—The above statement must be verified by oath or affirmation of the candidate before an officer in the district in which he is a candidate for Representative, unless such candidate shall be in attendance upon Congress as a Member thereof, in which case he may verify his statement in the District of Columbia.

[Please fill out form on back.]

Endorsed: Publicity statement after primary or convention. Name of candidate, Jas. T. McDermott; post office, 4524 Union Avenue; State, Illinois; district, fourth; party affiliation, Democratic; additional contributions received, $1,035; additional expenditures, $910.25; mailed, April 22, 1912; received and filed, April 23, 1912. South Trimble, Clerk.

Mr. MULHALL. I testified that I visited every factory, every manufacturing plant on this list.

Mr. EASBY-SMITH. Having refreshed your memory from the list, can you tell me a single one you saw after the 8th day of April?

Mr. MULHALL. I would say I saw Mr. Clenny after the 8th of April. That was the card I had there.

Mr. EASBY-SMITH. Anyone else?

Mr. MULHALL. I would say I saw the Link Belt people, because I saw them with Mr. Fleming after the 8th day of April.

Mr. EASBY-SMITH. Anyone else? By the way, did you say that after that they made their contributions?

Mr. MULHALL. No, sir; they did not make any contributions after that.

Mr. EASBY-SMITH. All right. Whom else did you see after the 8th of April?

Mr. MULHALL. I am not just clear on that. I would pick them out. I picked them out as near as I could from memory and the amount paid, and I testified before I knew that there was somebody else.

Mr. EASBY-SMITH. Now, Col. Mulhall, I will ask you to examine this letter and state whether or not that is a letter containing your genuine signature which you wrote to Mr. McDermott, and state whether or not that is the correct date. That letter is printed. I have not the reference to the number, but I think it can probably be found by the date [handing letter to witness].

The CHAIRMAN. What date is it? Read the date, Mr. Mulhall.

Mr. MULHALL. June 4, 1912.

Mr. EASBY-SMITH. From Mulhall to McDermott?

Mr. MULHALL (after examining letter). Yes, sir; that is my letter.

Mr. EASBY-SMITH. Let me see it, if you please, Mr. Crim.

Mr. CRIM (handing letter to Mr. Easby-Smith). By the way, Mr. Stafford, you asked me to produce a letter of May 31 from McMichael to Mulhall, and, as I stated to you this morning, I was unable to lo-

cate it, but it is highly probable that Mr. Easby-Smith and Mr. McDermott have a carbon copy of it.

Mr. EASBY-SMITH. I have not. I wish I had. I want the letter. I will read this letter to you.

Mr. STAFFORD. There are a great many originals of which we have only carbon copies that are not contained in any print.

Mr. CLINE. What is the number of this?

Mr. EASBY-SMITH. I do not know the number.

The CHAIRMAN. 4376, 4378.

Mr. EASBY-SMITH (reading):

JUNE 4, 1912.

Hon. JAMES T. MCDERMOTT,
Room 323, House Office Building, Washington, D. C.

DEAR SIR: I received a letter from J. H. McMichael, dated May 31, which I suppose was authorized by you. You know that every statement this letter contains is a malicious lie, for you certainly know that you had my time for 24 days without cost, and, besides, I collected for you, above all expenses, over $500 while I was in Chicago.

What do you say, collected $500, or——

Mr. MULHALL (interposing). Just as I stated, I am not clear about the McCormick checks in there above the expenses. I did not know at that time that McDermott had got a duplicate check, and when I said above all expenses I was talking about McMichael's check which he gave me, and also the $250 I had to meet my own expenses.

Mr. EASBY-SMITH. How much were your expenses, did you say, Mr. Mulhall?

Mr. MULHALL. As near as I can remember, about $325.

Mr. EASBY-SMITH. $8 a day for 22 days, as I understand?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And if in fact and truth you were only there 11 days, it would have been $8 a day—$88?

Mr. MULHALL. The fact and truth you are not stating, and I was there 22 days, and if you hunt it up I think you will correct that.

Mr. EASBY-SMITH. I have hunted it up. If you were there 11 days, at $8 a day for hotel expenses, that would be only $88.

Mr. CRIM. I object to his computation.

The CHAIRMAN. That is a mere matter of mathematical calculation which I think the members of the committee are able to make for themselves.

Mr. EASBY-SMITH (continuing reading):

Another thing, you have certainly acknowledged a dozen times, and that is that you did not have a list of the manufacturers in your district.

Did he have the list?

Mr. MULHALL. He got up a list—no; he did not have a list when I went there.

Mr. EASBY-SMITH. He made up both lists?

Mr. MULHALL. I am not sure that it is his handwriting on the second list.

Mr. EASBY-SMITH (continuing reading):

and never did any business with them outside of the Beef Trust, and when I came to Chicago on the 28th of last March——

You knew when you wrote that you went on the 28th.

Mr. MULHALL. Yes, sir; I corrected my testimony before you read the letter.

Mr. EASBY-SMITH (continuing reading):

You were utterly unable to give me any list to work from, and you claimed yourself that you could not spare the time at that late date to make a canvass of the manufacturers yourself.

But he did so?

Mr. MULHALL. He did, after he went down there.

Mr. EASBY-SMITH (continuing reading):

I send this letter to you because I have been away from Baltimore, off and on, since the 15th of last month; but I will be in Baltimore next Thursday and will remain there until after the convention, so will be glad to see you at my home in Baltimore or any place that you may designate in Washington any day next week.

I will close this letter to you by saying that my efforts for you in the past deserve better treatment than for you to allow that petty grafter in your office to write my the insulting letter that he did.

Very respectfully, yours, ——— ———.

Who was the petty grafter?

Mr. MULHALL. I suppose I was referring to McMichael.

Mr. EASBY-SMITH. Was he a petty grafter?

Mr. MULHALL. I will let—after what I know now I should not say he was. I think he got the worst of it, like all the rest of us.

Mr. EASBY-SMITH. Col. Mulhall, in what form did you receive the $75 from McMichael?

Mr. MULHALL. I think I received it in the form of a check in a letter sent on.

Mr. EASBY-SMITH. On what bank was it drawn?

Mr. MULHALL. I do not remember.

Mr. EASBY-SMITH. Was it not on the United States Trust Co., of this city?

Mr. MULHALL. I could not say that.

Mr. EASBY-SMITH. You took the $75, and when you got to Chicago you had $13 of that left and $40 of your own money?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And your niece sent you $100?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That made $140, and you pawned your charm for $100?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That made $243. You did not get the McCormick check until you got back to Baltimore?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Now, besides that $243, what other money did you have?

Mr. CRIM. I think we have gone over that sufficiently.

Mr. MULHALL. I would say I had $2,000 more.

Mr. EASBY-SMITH. Did you have it in your clothes?

Mr. MULHALL. No; I left it behind; because I knew if I took it over with me I would use it.

Mr. EASBY-SMITH. Was your house closed in Baltimore when you went to Chicago?

Mr. MULHALL. No, sir; it was not.

Mr. EASBY-SMITH. Who was there?

Mr. MULHALL. My mother-in-law and my niece.

Mr. EASBY-SMITH. How old is your niece?

Mr. MULHALL. About 14 years old.

Mr. EASBY-SMITH. She is the one who sent you the $100?

Mr. MULHALL. No; my mother-in-law wrote the letter, and my niece brought it down and posted it.

Mr. EASBY-SMITH. Then it was your mother-in-law who sent it?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. In what form?

Mr. MULHALL. I think it was in a check.

Mr. EASBY-SMITH. Whose check?

Mr. MULHALL. Their check.

Mr. EASBY-SMITH. Now, by "their" do you mean your mother-in-law and niece?

Mr. MULHALL. No, sir; I mean my mother-in-law.

Mr. EASBY-SMITH. Your mother-in-law's check?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. On a Baltimore bank?

Mr. MULHALL. No, sir; I am not so sure of that.

Mr. EASBY-SMITH. What was it on?

Mr. MULHALL. My mind is not just clear on that at the present time.

Mr. EASBY-SMITH. Have you got the charm on which you got the $100?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Have you got it with you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Will you exhibit it to the committee?

Mr. MULHALL. Yes, sir. [Exhibiting watch charm.]

Mr. EASBY-SMITH. Look at it, please, gentlemen. You tell us you got $100 on that?

Mr. MULHALL. I can get $100 on that to-morrow if you want me to bring it to you. I did later on, at the Savings & Trust Co., in Baltimore, at the corner of North Street——

Mr. EASBY-SMITH. That is where you got the $100?

Mr. MULHALL. No, sir; I got that $100 about four blocks above——

Mr. EASBY-SMITH (interposing). You bought this from a place in Baltimore?

Mr. MULHALL. How is that, sir?

Mr. EASBY-SMITH. You mean you bought this from a place in Baltimore?

Mr. MULHALL. No, sir; I pawned that once in Baltimore, and when I came back from Chicago, just before I got a statement in relation to this matter.

Mr. EASBY-SMITH. Did you not, in fact, have anything more than $243?

Mr. MULHALL. That is about all I remember just now.

Mr. EASBY-SMITH. Did you spend $350?

Mr. MULHALL. I got that charm from Wallinghost's. They know what it is. It was presented by some friends in Baltimore, Md. You could not get it for $150.

Mr. EASBY-SMITH. When did you put it in pawn in Baltimore?

Mr. CRIM. I object to that.

The CHAIRMAN. What was your question?

Mr. EASBY-SMITH. I asked him when he pawned it in Baltimore. He voluntarily stated he pawned it.

The CHAIRMAN. I understood him to say when he came back from Chicago.

Mr. EASBY-SMITH. That is why I asked him the question.

Mr. MULHALL. I am not just sure of the date.

The CHAIRMAN. I do not know, Mr. Easby-Smith, that it has any connection with this transaction.

Mr. EASBY-SMITH. When did you get it out of pawn in Chicago?

Mr. MULHALL. I got it through Mr. John Dooley, a relative of mine, a few weeks after I came away.

Mr. EASBY-SMITH. How did you send him the money?

Mr. MULHALL. My check.

Mr. EASBY-SMITH. If you had $243, how is it that you say after paying your expenses to Chicago and back, notwithstanding you received the $250 McCormick check, that Mr. McDermott still owed you $50?

Mr. MULHALL. I think he did.

Mr. EASBY-SMITH. Tell us how, and for what?

Mr. MULHALL. For expenses.

Mr. EASBY-SMITH. How do you figure it up, if you had only $243?

Mr. MULHALL. I am talking about the $75. I had $315 when Mr. McMichael's check——

Mr. EASBY-SMITH (interposing). Mr. Mulhall, the other day when the chairman asked you about your mail, whether any mail was forwarded from your home in Baltimore to Chicago, you told him no, because your house was closed up.

Mr. MULHALL. No, I did not tell him anything of the kind.

Mr. EASBY-SMITH. Very well, the record will show.

Mr. Mulhall, I direct your attention to your testimony before the Senate committee, part 36—by the way, you have never paid Mr. McDermott any of this $250?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. You got the cash from a firm in Baltimore and they sent the check through, and you never paid the money back to anybody?

Mr. MULHALL. Because I had instructions from McDermott that when the check came in—that is where the duplicity of Mr. McDermott came—he told me to let the check go to meet my expenses, and when the check did not come, he got a duplicate check and said nothing about it, and forged my name to it.

Mr. EASBY-SMITH. You did not know he was going to get it?

Mr. MULHALL. No, sir; or that he did get it.

Mr. EASBY-SMITH. Now, in part 36 of the Senate hearings, page 3,420, I read the following—there is printed the letter inclosing the check—a letter dated Chicago, April 2, 1912, and then Senator Reed said:

This is dated at Chicago and is addressed to you at the Sherman House. Were you at that time in Chicago?

Mr. MULHALL. Yes, sir.

Senator REED. What business took you to Chicago?

Mr. MULHALL. Helping Mr. James T. McDermott win out in the primaries.

Senator REED. Was there a check for $250 inclosed in this letter of April 2?

Mr. MULHALL. Yes, sir.

Senator REED. And for what purpose was that check sent to you?

Mr. MULHALL. For the purpose of turning it over to McDermott for campaign expenses.

Senator REED. How did it happen that he sent it to you instead of to McDermott?

Mr. MULHALL. All of the checks or anything that was collected—Mr. McDermott was with me when that check was given, and when several others were given by different other manufacturers that we got.

Senator REED. Do you mean given or promised?

Mr. MULHALL. That check was promised.

Senator REED. And sent?

Mr. MULHALL. And sent.

Senator REED. Yes.

Mr. MULHALL. The check was given—the check was made out—in my name. I turned the money over to McDermott.

Did you so testify?

Mr. MULHALL. I meant by that that I turned the money over to McDermott as fast as I got it.

Mr. CRIM. It seems to me this thing has gone as far as it ought to go. Over on the next page this witness testified as follows:

Mr. MULHALL. The check went astray. It did not reach the hotel for quite a while, and there was frequent inquiries made about it, and about the 5th or 6th of April I informed Mr. McDermott that I was going to start back to Baltimore that afternoon; that I had done about all it was possible for me to do, and I was going to take an afternoon train for my home city.

Then he goes on further——

Mr. EASBY-SMITH (interposing). Read what it says, Mr. Crim; read it all.

Mr. CRIM (reading):

I paid my bill, because I had got no subsistence or no pay or subsistence while I was out there with the exception of $75 that was given to me by Mr. McMichael before leaving here.

Then he goes on——

Mr. EASBY-SMITH (interposing). Read it all.

Mr. CRIM. Further on it says:

Senator NELSON. I want to ask another question. You went to McCormick and got this $250. Did you go to any other people in Chicago to raise money for McDermott?

Mr. MULHALL. Yes.

And he testified about $750.

Mr. EASBY-SMITH. Will you not read the whole of his answer?

Mr. CRIM. That refers to the check——

The CHAIRMAN. Just a moment.

Mr. EASBY-SMITH. May I read it in?

The CHAIRMAN. All that appears to be relevant, although it may be in the record.

Mr. EASBY-SMITH (reading):

Mr. MULHALL. The check went astray. It did not reach the hotel for quite a while, and there was frequent inquiries made about, and about the 5th or 6th of April I informed Mr. McDermott that I was going to start back to Baltimore that afternoon; that I had done about all it was possible for me to do, and I was going to take an afternoon train for my home city.

I paid my bill, because I had got no subsistence or no pay or subsistence while I was out there, with the exception of $75 that was given to me by Mr. McMichael before leaving here; and I told Mr. McDermott that I was going back; and as I said, I notified the hotel people and paid my bill. After paying the bill, six or seven hours after pay the bill, Mr. Flemming, Mr. McMichael's brother-in-law out there, called on me and urged me to remain until after the primaries; that McDermott himself was too busy with the campaign and had sent him down to make a plea to me to remain; that he would make up new lists and see other business people in the evening. After considerable per-

suasion I did remain. Some mail, some other letters that were there at that time, were forwarded to me at my home in Baltimore, and I did not get it until I got there on the 9th of April.

Mr. MULHALL. The 19th, Mr. Chairman.

Mr. CRIM. I will continue reading for a moment. [Reading:]

Senator REED. Do I understand correctly that when you left the hotel you left an order to forward your mail to your Baltimore address?

Mr. MULHALL. Yes.

Senator REED. If I understand you correctly, while you remained in Chicago after having paid your bill, that order being in the hotel office, there was mail forwarded from there to Baltimore while you were still in Chicago?

Mr. MULHALL. Yes.

Senator NELSON. Excuse me. Was that check in the mail that you ordered sent to Baltimore?

Mr. MULHALL. Yes.

Senator NELSON. And that is how it happened?

Mr. MULHALL. That is how I did not get it at that time. The check had gone astray. It was forwarded without any knowledge from me at all.

Senator NELSON. I want to ask another question. You went to McCormick and got this $250. Did you go to any other people in Chicago to raise money for McDermott?

Mr. MULHALL. Yes.

Senator REED. Did you succeed in obtaining any other money for him?

Mr. MULHALL. As near as I can remember, about $750 in addition to that check.

Senator REED. And for what purpose did you get that money?

Mr. MULHALL. There is a list there in McDermott's own handwriting, and checked up by others that we went to see that I believe will explain better than I can tell it.

In addition to the check, the point I wanted to make clear was that there was testimony which exemplified the statement read by Mr. Easby-Smith, which might indicate that he had testified the money was paid over by McCormick to these two gentlemen.

The CHAIRMAN. The whole statement ought to go in.

Mr. CLINE. Was this check put in evidence?

Mr. MULHALL. I think so, sir.

Mr. EASBY-SMITH. I can state to the committee that the check is not in evidence.

Mr. MULHALL. The receipt from the bank is in evidence.

Mr. EASBY-SMITH. I have asked for a subpœna duces tecum which will bring all the record relating to the check before the committee. I have a letter from the assistant cashier of the bank which shows that the check——

The CHAIRMAN. That is nothing but a statement.

Mr. EASBY-SMITH. It is a letter which shows that he was in Baltimore on the 9th of April and cashed the check.

The CHAIRMAN. I would rather that would come in the regular way.

Mr. MULHALL. I would like to have Mr. Cohn subpœnaed here. He would certify that the check was cashed. I will state it was on the 19th of April.

Mr. EASBY-SMITH. I will be glad to coincide with that request, Mr. Chairman.

The CHAIRMAN. The name has been taken and is in the record.

Mr. EASBY-SMITH. The next matter I desire to go into, Mr. Chairman, would have reference to the matters concerning which the origi-

nal papers have not yet been sent over here. I have been engaged for about five hours in continuous examination, and my throat is somewhat tired.

The CHAIRMAN (to Mr. Mulhall). Will you go with the committee to the Capitol and point out to us this room to which reference has been made?

Mr. MULHALL. Very cheerfully, sir.

The CHAIRMAN. The committee will meet again to-morrow morning at 10 o'clock, but will now proceed to the Capitol to make an inspection of the room which has been referred to.

Mr. EASBY-SMITH. May I accompany the committee?

The CHAIRMAN. Certainly, Mr. Easby-Smith.

(Thereupon the committee proceeded to the Capitol to inspect the rooms referred to, whereupon the following proceedings occurred:)

The CHAIRMAN. Col. Mulhall, is this the room (Room 29) in which the committee is now assembled, the room to which reference has been made?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. It is the room which is designated on the outside as "Majority Whip"?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. You do not know how long it has been marked that way, do you?

Mr. MULHALL. No, sir.

The CHAIRMAN. How was the room marked at the time you occupied it, do you remember?

Mr. MULHALL. I think it was expenditures in some department or other; I am not just clear on that, Mr. Chairman.

The CHAIRMAN. Was it "Expenditures in the Department of Commerce and Labor?"

Mr. MULHALL. I think it was "Expenditures in the Department of Commerce and Labor."

The CHAIRMAN. Did you ever use the room adjoining or immediately north of this room in which we are now standing?

Mr. MULHALL. I am not clear on that point. I was in there two or three times.

The CHAIRMAN. Do you know what was in there at the time you were using this room?

Mr. MULHALL. No, sir; but in this room there was a whole lot of mail and mail bags.

The CHAIRMAN. What else was in this room?

Mr. MULHALL. A telephone over on the wall.

The CHAIRMAN. What character of furniture was in here?

Mr. MULHALL. I would not say this was the furniture. It looked to be different. There was a big table, if I am not mistaken. I know there was a great big leather couch.

The CHAIRMAN. There it is over there in the corner [indicating].

Mr. MULHALL. Yes; I guess the couch still there is the one. There are too many chairs. There was only about three or four chairs, and the room looked to be very much in the need of cleaning up.

The CHAIRMAN. Was there a carpet or rug on the floor?

Mr. MULHALL. Yes, sir; I believe the same carpet is on it now, if I remember right.

The CHAIRMAN. There has been a good deal said about two entrances to the room.

Mr. MULHALL. Yes, sir; these are the two entrances [indicating]. You can step to the window and get out and take the elevator right over there [indicating].

The CHAIRMAN. Go out of this window to the window that opens on that corridor across the court?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. This is the small room that is described as Room 29?

Mr. EASBY-SMITH. Yes, sir; and the other is described as Room 27, the room to the north.

The CHAIRMAN. Were there any numbers on the rooms?

Mr. MULHALL. I do not remember of seeing any numbers.

The CHAIRMAN. You were speaking awhile ago of a room that was assigned to Representative Fassett which you used. Can you show us that one?

Mr. MULHALL. Yes, sir; that is right at the elevator on the next floor.

The CHAIRMAN. Immediately north of this is room 27, as it has been referred to, and I will ask you if there is a passageway which opens and gives a passage out into a court?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. And it runs in the rear of 27 and 29?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. Is that one of the entrances referred to?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. That is, you could go through there and get into the court and then come through it to room 29?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. I notice that the glass in the windows of room 29 is frosted. Was that frosted when you occupied it?

Mr. MULHALL. The windows, as a rule, were clear up—all the windows—and I am not positive whether they were frosted or not.

(Whereupon the committee went upstairs one flight, to the first floor of the Capitol, where the following proceedings were had:)

Mr. MULHALL. I think this is the room, Mr. Chairman.

Mr. JERRY SOUTH. This is it.

The CHAIRMAN. It is unnecessary to go in.

Mr. MULHALL. Mr. Fassett sat over on that side [indicating].

(Thereupon the committee went inside the room.)

Mr. CLINE. Who occupies this room now?

Mr. MULHALL. I do not know, sir.

Mr. SOUTH. I do [opens a back door].

Mr. MULHALL. Mr. Fassett had this room.

Mr. STAFFORD. Is this where you telephoned to Mr. Coudrey from?

Mr. MULHALL. I believe it is, sir.

Mr. STAFFORD. Did you identify the room downstairs as the one that was occupied by Mr. Southwick?

Mr. MULHALL. Yes, sir; I think that is the room that was occupied by Mr. Southwick. No: I think it was room No. 29 is the room that was occupied by Mr. Southwick.

Mr. RUSSELL. Did you have a key to this room?

Mr. MULHALL. No, sir; I did not.

Mr. RUSSELL. At the time you used this room, was that before you used the other room?

Mr. MULHALL. No, sir; I came in here to see Mr. Fassett.

Mr. RUSSELL. I mean the time you used this room, was that before you used the other room downstairs?

Mr. MULHALL. No, sir; it was at the same time. I came in here to phone.

Mr. RUSSELL. Was that the time that Mr. Fassett was in Congress?

Mr. MULHALL. No, sir; it was not. Mr. Fassett was in Congress in 1910. I am talking about the Coudrey matter. That was the matter I was at sea about.

Mr. RUSSELL. That was in 1910?

Mr. MULHALL. Yes, sir; that is what I was talking about.

Mr. RUSSELL. And you used this room in 1910?

Mr. MULHALL. Yes, sir.

Mr. WILLIS. Where in this room was the long-distance telephone located?

Mr. MULHALL. I think it was located there, Mr. Willis [indicating]. And I described the desk before I came in here at all. I have not been in the room for over three years, I guess.

Mr. WILLIS. This is the room to which you referred in your testimony as the room that was occupied by Mr. Fassett?

Mr. MULHALL. Yes, sir. It was not Mr. Fassett's room, but he had it as a special room. He used to have a room, if I am not mistaken, on the third floor in the House Office Building, Mr. Fassett, but he was always down here, as a rule—well, not on the floor—I mean, if you wanted to see him confidentially.

The CHAIRMAN. Is there anything further?

Mr. WILLIS. I would like to see the room of Mr. Southwick.

Mr. MULHALL. Mr. Southwick had two rooms. He had another room on the other floor.

Mr. WILLIS. He had a room here?

Mr. MULHALL. Yes, sir; but he had a room on the other floor afterwards.

(Thereupon the committee went out into the hall.)

The CHAIRMAN. You do not know of any room except room No. 29, and the present room of the committee on education, that was used for committee purposes, which Mr. Southwick had?

Mr. MULHALL. Yes, sir; I understand that Mr. Southwick used room No. 29 before he used the corridor room upstairs.

The CHAIRMAN. That is the only one, except the one in the corridor, that you remember his using?

Mr. MULHALL. Yes, sir; that is all that I remember.

The CHAIRMAN. You do not know of any room on this floor that he used?

Mr. MULHALL. No, sir; I do not.

(Thereupon, at 5.35 o'clock p. m., the committee adjourned until to-morrow, Tuesday, August 26, 1913, at 10 o'clock a. m.)

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Tuesday, August 26, 1913.

The committee assembled at 10.30 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, and Willis.

Mr. EASBY-SMITH. Mr. Chairman, last night I made a very careful comparison of the World and Tribune articles, and I am able to point out to the committee, so that they may mark it upon their copies, those portions of the Tribune article which are not included in the World article. It will be observed that some of the Tribune paragraphs are broken right in the middle of a sentence sometimes. Now, if the committee will turn to the typewritten copy of the Tribune article, at page 4, the paragraph headed "He was afraid of a leak" is not included in the World. Cut that out, down to and including the top of the next page, the words "the lines he suggested." That entire paragraph is not in the Tribune.

Mr. WILLIS. Not in the World.

Mr. EASBY-SMITH. Not in the World; yes. It is in the Tribune.

Now, turning to page 6 of the typewritten copy of the Tribune article, the last paragraph beginning on that page "as I went along with McDermott," that paragraph is out, and on the top of the next page the entire paragraph, beginning with the words "He greased McDermott good," down to the words "held at the Hotel Reuter."

The CHAIRMAN. Down to the Hotel Reuter?

Mr. EASBY-SMITH. Yes, sir; that is all out of the World article; it is not in the World article. On the same page, the paragraph at the bottom headed "Did Bird need steering,"—that entire paragraph on page 7—the paragraph beginning "Did Bird need steering," down to and including the paragraph headed "McDermott was a cautious man," down to the "National Association of Manufacturers;" that is all out.

Mr. WILLIS. I did not get that last.

Mr. EASBY-SMITH. Down to the second paragraph, "To the National Association of Manufacturers," including those words. That is all out. In other words, all of page 8 is out.

Mr. WILLIS. Except the last paragraph.

Mr. EASBY-SMITH. Except the last paragraph. On page 9, the last paragraph of that page is broken, beginning with these words—the following does not occur in the World: On the fifth line of the last paragraph, beginning with the words, "but on account of McInerney

being also useful," etc., that is out down to the end of that paragraph at the top of page 10, including the words "and pay his campaign expenses." That is out.

Now, the paragraph immediately following that, on page 10, is broken in the middle of a sentence. I will read what is contained in the World and then show what is eliminated. This is contained in the World:

Fleming and I made two or three efforts to see Tilden, but without success. Later on I went with Fleming to see the Sulzberger brothers, an independent packing concern in Chicago, and we saw the general manager of this establishment. When I made known our wants to him he, like the rest, told me he sent all business of this kind to Mr. Tilden, and advised us to see Tilden—

From there on the balance of that paragraph was cut out; these words are cut out of the World article:

because any subscription he would make and that the Sulzbergers would make for political purposes would have to come from Mr. Tilden.

The next paragraph, headed "Chased him back and forth"; the following is contained in the World article:

I chased Tilden, along with McDermott and Fleming, to his uptown and downtown offices for several days, but failed to land him.

Now, beginning at this point, the following is not in the World: "In the meantime we had been collecting"—down to the end of that paragraph, that is all out, including the words "would support him if he got the nomination"; that is not in the World.

Now, on page 11, second paragraph, beginning, "When Mr. McDermott went around with me," that is all out. The whole of the remainder of that page is out.

Turning over to page 12, all of page 12 is out down to and including the second paragraph, ending with the words "and everything was packed ready for departure."

Mr. STAFFORD. Just one minute. Where is that?

Mr. EASBY-SMITH. On page 12, down to and including "everything was packed ready for departure." That is out.

Now, going to page 13, the last paragraph on the page, the fourth line from the bottom, these words are not in the World article: "The following letter I quote in full is a copy," etc. From there down to the following point on page 14 is cut out. That is, on page 14, down to four lines from the bottom, ending with the words "That affidavit the Merchants National Bank still holds."

That is all out.

Now, I also discovered, if the committee please, that I was in error in stating that everything was in the Tribune which was in the World. There is one little paragraph published in the World article which is not in the Tribune article, and I will point out what that is.

If you will turn to page 5 of this typewritten copy of the Tribune article, just above the subheading "Pay extra for information," on the typewritten copy—just above that is the following in the World article which does not appear in the Tribune:

Mr. McMichael told me on June 25 last that Mr. Emery owes him $16, advanced by Mr. McMichael as car fare for page boys sent to Mr. Emery's office with reports and public documents. The page boys received no pay.

Now, they are the only words——

Mr. STAFFORD (interposing). Let us have that again.

Mr. EASBY-SMITH. Yes, sir.

Mr. McMichael told me on June 25 last that Mr. Emery owes his $16, advanced by Mr. McMichael as car fare for page boys sent to Mr Emery's office with reports and public documents. The page boys received no pay.

That, if the committee please, is in the third—I will point out the place where it is in the World article, Mr. Stafford. It is right in that column of the World article, right there, the third page of the——

Mr. CLINE (interposing). Mr. Easby-Smith, what is your purpose in making this comparison?

Mr. EASBY-SMITH. My purpose, if the committee please, is that I want to prove that Mr. Mulhall is the author of the Tribune article as well as of the World article. My purpose in introducing in evidence the Tribune article is to contradict the witness, because he has made numerous statements in the Tribune article as well as in the World article which are totally at variance with his testimony on the stand. That is my purpose. And I think a comparison—the committee will remember that Mr. Seibold, in testifying before this committee, testified concerning the Tribune article, at page 154 of part 3 of the House hearings. I interrogated Mr. Seibold concerning the Tribune article, and he testified as follows. He identified the Tribune, and I asked him this question:

From your knowledge as a newspaper man, will you state whether or not you believe it is that issue of the Chicago Tribune?

Mr. SEIBOLD. I will say it is. According to our arrangement with the Chicago Tribune, the matter was sent by telegraph from our paper, and sent by messenger from New York, with the pictures, the facsimiles, and everything else. There was something like 180 facsimiles and 180 pictures.

So you will observe that Mr. Seibold's testimony identifies the Tribune article and the World article.

Mr. STAFFORD. Mr. Easby-Smith, I wish to direct your attention to page 5 of your typewritten reprint of the Chicago Tribune article, and ask you whether you have not omitted one paragraph that is not included in the World article? That is the second paragraph on page 5, reading as follows:

As a general rule, the mails were too slow for Mr. Emery. Whenever I found it necessary I also asked Mr. McMichael to send a page with any documents that Mr. Emery might require the moment they were introduced upon the floor of the House.

And will ask you whether that is not also omitted from the World article?

Mr. EASBY-SMITH. Now, I will read the World article, where I can catch it. I am reading from the World, following this article:

I informed Mr. Emery, chief lobbyist in Washington at that time, of the suggestions made to me by Mr. McDermott, and he approved of the scheme at once. He not only instructed me to go ahead with the proposition, but later on he gave orders to me to have McMichael send the pages of the House with documents and bills that he might call for and act as messengers from the Capitol Building to Emery's office, Nos. 611 and 613, Union Trust Building.

Mr. STAFFORD. Now comes the paragraph in the Chicago Tribune article that is not in the World article, which you did not point out.

Mr. EASBY-SMITH. That is correct, sir. I did not catch that. Then, on page 5——

Mr. CLINE (interposing). Mr. Easby-Smith, I would like to ask you one question.

Mr. EASBY-SMITH. Yes, sir.

Mr. CLINE. I am confused on this proposition, and am asking in order to enlighten myself. I understand Mr. Seibold's testimony. I also understand that immediately prior to the publication of this article in the World they dispatched a messenger to Baltimore—this is my recollection—to interview Col. Mulhall and go over the prepared text and have it corrected, as Mr. Mulhall was ready to attest it before that publication was made, and that attestation was made immediately prior to the publication in the World.

Mr. EASBY-SMITH. My understanding——

Mr. CLINE (interposing). One moment, if you please. And that the World publication represents the corrected proof sheets made by Col. Mulhall, and that that reproduction has been identified by Col. Mulhall as the correct statement concerning this transaction; while no one has undertaken to say that the reproduction in the Tribune is the correct reproduction of the corrected proof sheets. Am I right in that supposition?

Mr. EASBY-SMITH. You are right in that, with these additional facts, as I recollect them, that after receiving the corrected copy of the story from Col. Mulhall the New York World put it into revised proof, and that was again gone over by Col. Mulhall here in Washington, in the office of the New York World, and attested by him. Now, in——

Mr. CLINE (interposing). Do I understand you to claim that revised proof was sent to the Chicago Tribune and reproduced?

Mr. EASBY-SMITH. I do not state that that is the fact, because I do not know it; but I want that subpœnaed so that we can tell. But I will say this: That I think the testimony of Mr. Seibold, showing that the representatives of the Chicago Tribune were in his office, in touch on this question, on the very day that Mr. Mulhall attested that, together with the evident interlocking of these two articles, shows that the whole article, as it appears in the Tribune, was that revised proof, and that the New York World eliminated from its print a great deal which related simply to the Chicago end of it. I think the sentences and paragraphs here are so interlocked that that internal evidence is clear.

Mr. CLINE. Well, my only interest was in not being confused, by building up a system upon a basis that had not been acknowledged to be the real basis of those transactions.

Mr. EASBY-SMITH. Well, the only reason that I have asked that the original and the revised proofs be subpœnaed here is in order to put that question at rest.

The CHAIRMAN. Yes. Mr. Easby-Smith, I want to ask you, when the committee takes a recess, if you will join the clerk of the committee in making out a subpœna duces tecum for that, so that we can get exactly what you desire.

Mr. EASBY-SMITH. And Mr. Crim can tell me who would be the most convenient person to have that subpœna served upon.

The CHAIRMAN. It should be the New York World, I think.

Mr. CRIM. Yes; the New York World.

Mr. EASBY-SMITH. Yes, sir.

Mr. CRIM. You can simply send it to the New York World, it is a corporation. That is sufficient.

Mr. Chairman, with reference to a question in the typewritten record of yesterday, at page 2503, Mr. Easby-Smith was interrogating the witness relative to his testimony before the Senate committee, at pages 2564 and 3504. In this connection I desire to call to the committee's attention that, with respect to this testimony before the Senate committee, all of that part of the witness's testimony, beginning with question No. 23, submitted by Mr. McCarter, down to the bottom of page 3505, should be read in the typewritten record of yesterday, at page 2504, in amplifying the witness's answer, as to whether he sold the papers to the World or not.

The CHAIRMAN. That will be inserted at this point, in accordance with the statement made by counsel.

(The part of the record referred to is as follows:)

The CHAIRMAN. I read the question as it is written:

23. In response to an inquiry by Senator Reed, at page 113, volume 3, of the stenographic report, you stated unequivocally that you had not sold these papers to the New York World.

Counsel desires to leave out the word "unequivocally."

Senator CUMMINS. I do not think that is a fair question. I think you should recite the entire record as I have read it in order to make it fair.

The CHAIRMAN. Was that statement true, that you stated unequivocally that you had not sold the papers to the New York World?

Senator REED. He never made such a statement. Of course it is manifest from the text that he started to explain, and I stopped him, as you will see by reading. I said:

"Colonel, if you will have these documents you speak of here this afternoon, showing the matter of your dealings with these newspapers, we will put them all in."

Senator WALSH. Let the question be put to him as to whether the testimony that he gave, as read by Senator Cummins, is true.

The CHAIRMAN. Is that statement true, as read by Senator Cummins?

Mr. MULHALL. Yes.

The CHAIRMAN. The next question is:

24. Is it not a fact that in the month of March, 1913, you were negotiating with Mr. Maxwell, the editor of Hearst's Magazine, for his publication of a large mass of documents, and that one Richard Barry was directed by Mr. Maxwell to visit your residence for the purpose of examining the material and to make a report as to its availability; and did not Mr. Barry make such a report in favor of the availability thereof?

Mr. MULHALL. I could not say. I never saw Mr. Barry's report until——

The CHAIRMAN. The first question is, Is it not a fact that in the month of March, 1913, you were negotiating with Mr. Maxwell, the editor of Hearst's Magazine, for his publication of a large mass of documents?

Mr. MULHALL. Mr. Barry was, yes; and I guess he had my approval to negotiate.

The CHAIRMAN. And that one Richard Barry was directed by Mr. Maxwell to visit your residence? You do not know, I suppose, whether Maxwell was directed or not?

Mr. MULHALL. I do not know. I only know that Barry did come to my residence and stayed there three days, looking over the letters.

The CHAIRMAN. Did not Mr. Barry later make a report in favor of their availability?

Mr. MULHALL. I never saw Barry's report until I was down in the New York World office to finish a contract with those people. Then I told them at that time that I never saw his report, did not know what kind of a report he made.

The CHAIRMAN. The next question is:

25. Did you not, while Mr. Barry was examining the documents, suggest to him that in the event of Hearst's Magazine not accepting the material perhaps he, Barry, could market it elsewhere?

Mr. CRIM. I simply want the reference, so that if that question comes up again it can be referred to and pointed out.

TESTIMONY OF MARTIN M. MULHALL—Continued.

Mr. MULHALL. I will state, Mr. Chairman, that I understood that the committee was to meet at half past 10 o'clock; so if I am late, it is due to a misunderstanding.

The CHAIRMAN. All right, Mr. Mulhall.

Mr. STAFFORD. When you were identifying the room, yesterday, in your examination by Mr. Easby-Smith, before we visited the Capitol, I had understood that the room from which you telephoned long distance, to St. Louis, I believe, was on the same floor as the secret room; but after you pointed it out, it appeared that it was on the floor above?

Mr. MULHALL. Yes, sir.

Mr. STAFFORD. How many times did you have occasion to go into that room that you say was a subsidiary room for Mr. Fassett?

Mr. MULHALL. I should say just about 12 or 15 times, altogether.

Mr. STAFFORD. You did not have a key to that room?

Mr. MULHALL. No, sir; simply when I called to see if Mr. Fassett was there, and, as a rule, well, I used to find the door unlocked; and I thought that my acquaintance with Mr. Fassett entitled me to go in there and sit down and wait for him, or to use the phone if necessary.

Mr. STAFFORD. There were no valuable papers lying around, or anything of that kind?

Mr. MULHALL. No, sir; there was not.

Mr. STAFFORD. It was just a convenient anteroom that Mr. Fassett used?

Mr. MULHALL. I believe that it was a convenient anteroom for Mr. Fassett to rest in, or something like that.

Mr. STAFFORD. Mr. Fassett was not there when you telephoned long distance?

Mr. MULHALL. I do not believe he was, sir; no, sir.

Mr. STAFFORD. How many times were you in the room while Mr. Fassett was there?

Mr. MULHALL. Well, I should judge maybe six or eight times, altogether.

Mr. STAFFORD. That is all.

Mr. EASBY-SMITH. Mr. Mulhall, I want to call your attention to letter No. 3779, which appears in Senate print, part 33, beginning at page 3198—you have the letter?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That is a letter which relates to your receipt from Mr. McMichael of a slip containing information concerning Mr. Hughes's proposed amendment to the sundry civil bill. Now, if you will take that page I will read you the quoted extract, which has heretofore been read to you—but it is short:

> The sundry civil bill now before the House, page 116, at the end of the bill, on page 184—Mr. Hughes, of New Jersey, has an amendment on the 8-hour law to be offered; every effort is being made to get your men in so that the amendment can be defeated. Notice has been given all Republicans to be on hand to vote with the chairman, Tawney, against same going into the bill. I will look after the end of keeping the other side away.

Now, if I correctly remember Mr. McMichael's testimony, he did not have this original slip before him, and we have not yet been able to get it. If I correctly recollect his testimony, he says he thinks he did not write all of that, and that the only portion of it which he wrote were the words:

The sundry civil bill now before the House, page 116, at the end of the bill, on page 184—Mr. Hughes, of New Jersey, has an amendment on the 8-hour law.

Now, have you any independent recollection of that, Mr. Mulhall?

Mr. MULHALL. I remember of receiving the note from Mr. McMichael, but whether it covered that paragraph entirely, I am not positive of that.

Mr. EASBY-SMITH. Well, now, is it possible that you yourself, added to Mr. McMichael's words the remainder of what is there quoted?

Mr. MULHALL. Well, if you would produce the original notes, I could tell.

Mr. EASBY-SMITH. You will not answer until you read that note?

Mr. MULHALL. No, sir; I do not believe I could positively answer until I read that note.

Mr. EASBY-SMITH. Have you made any effort on the Senate side to find that and the other notes you have received from Mr. McMichael?

Mr. MULHALL. Not outside of what my counsel has stated.

Mr. EASBY-SMITH. Now, going over to page 3199, Mr. Mulhall, the second paragraph of that page begins, "This in some measure would explain," etc., I call your attention to the following words in that paragraph:

If it was not for the information given me by a prominent Democrat from Maryland, and confirmed by prominent labor workers here in the city, the surprise would have been sprung that was planned by the Democrats and the laborites and the eight-hour law would have been a rider on the sundry civil service bill by a big majority.

Who was the "prominent Democrat from Maryland"?

Mr. MULHALL. I have changed that testimony. I said it was a prominent Democrat from Illinois. I have already changed that in my testimony. That was Mr. McDermott.

Mr. EASBY-SMITH. Yes. Now, I call your attention to your testimony in the same number at the top of page 3200, in which you are quoted—just as you have here stated—as follows:

Mr. MULHALL. I want to correct that report as to one item. Instead of "Maryland" say "Illinois."

That information was given to me by Mr. McDermott, of Illinois, through his secretary, and the note is still in existence, in his secretary's handwriting.

Now, you corrected that before the Senate committee, did you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Was that another typographical error, Mr. Mulhall?

Mr. MULHALL. No, sir; I do not know as it was. I might have, maybe, wanted to protect Mr. McDermott.

Mr. EASBY-SMITH. Yes; that is you wanted to hide from the National Association of Manufacturers the fact that you were getting information from Mr. McDermott; is that it?

Mr. MULHALL. Well, I am not just sure of that. I would not swear to it at the present time, if it was an error, or whether I wanted to protect Mr. McDermott, but I think it was that I wanted to protect Mr. McDermott. I did not want to use his name—not so much on account of the National Association of Manufacturers, but I did not want to uncover him, so that he would be useful.

Mr. EASBY-SMITH. Now, on the same page in the Senate print, you did ascribe it to a typographical error—

Mr. MULHALL. I want to say, Senator, that I dictated all my reports generally to a stenographer, and very seldom signed them. I did not have time to sign them, and some of those reports I have not had time to look over until I hear them now. Even in Mr. Emery's office a great many of my reports were signed by Mr. Emery's clerks, which I did not have time to sign and correct.

Now, I will go back to the same words which I have read to you, in which you say this information was given by a prominent Democrat from Maryland, and confirmed by prominent labor workers. Who were the "prominent labor workers" who confirmed that?

Mr. MULHALL. I stated that Mr. Gibson and, as near as I can remember now, Mr. Edward Mizzell.

Mr. EASBY-SMITH. Mizzell?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. How do you spell it?

Mr. MULHALL. M-i-z-z-e-l-l, or M-i-z-e-l-l, I do not know whether there are two "z's" in it or one.

Mr. EASBY-SMITH. Mr. Gibson was at that time employed in the Census Office, was he not?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. In what way was he a member of organized labor?

Mr. MULHALL. He was connected with the Workman's Protective Association in Baltimore, and one other organization in Baltimore.

Mr. EASBY-SMITH. That was the organization that you got up?

Mr. MULHALL. Yes, sir; that is the organization I got up—that I helped to get up.

Mr. EASBY-SMITH. For what purpose did you get it up, Mr. Mulhall?

Mr. MULHALL. It was organized in 1900 by the Republican national committee and it was reorganized again in 1903 and 1904 by the National Association of Manufacturers at their expense.

Mr. EASBY-SMITH. Was that association connected in any manner with the American Federation of Labor?

Mr. MULHALL. Their members were.

Mr. EASBY-SMITH. As an organization, was it recognized as a labor organization by the American Federation of Labor?

Mr. MULHALL. No, sir; it was not.

Mr. EASBY-SMITH. What prominent position did Mr. Gibson hold in this workingmen's association?

Mr. MULHALL. I do not know as he held any prominent position. Some relatives of his were—a brother-in-law of his was president.

Mr. EASBY-SMITH. Now, what prominent position in labor did Mr. Mizzell occupy?

Mr. CRIM. There is nothing in that, Mr. Easby-Smith, about a prominent position.

Mr. MULHALL. I can not say. I know he was a member of organized labor; that is about all.

Mr. EASBY-SMITH. I want to know, if the committee please, who were the prominent labor workers here in the city, and he said Mr. Gibson and Mr. Mizzell. Now, I want to know in what respect Mr. Mizzell was a prominent worker in labor here in the city.

Mr. MULHALL. I have known him to be a member of organized labor.

Mr. EASBY-SMITH. Does he live in Washington?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Where does he live?

Mr. MULHALL. In Baltimore.

Mr. EASBY-SMITH. Was he in Washington at that time?

Mr. MULHALL. He was.

Mr. EASBY-SMITH. What position was he filling?

Mr. MULHALL. I could not say that.

Mr. EASBY-SMITH. What position was he filling in Baltimore?

Mr. MULHALL. That I am not sure of.

Mr. EASBY-SMITH. Where is he now?

Mr. MULHALL. I suppose he is in Baltimore.

Mr. EASBY-SMITH. Do you know where he lives?

Mr. MULHALL. I could not say, but I think I could find him.

Mr. EASBY-SMITH. Was he, in fact, a laboring man?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. What did he work at; what was his trade?

Mr. MULHALL. I think he was a machinist.

Mr. EASBY-SMITH. Where did he work?

Mr. MULHALL. I could not say.

Mr. EASBY-SMITH. Were there any other prominent labor leaders here in Washington who confirmed this information?

Mr. MULHALL. No, sir; not that I know of just now.

Mr. EASBY-SMITH. Now, do you know how Mr. Gibson and Mr. Mizzell got this advance information that Mr. McDermott also got—or gave?

Mr. MULHALL. I suppose they were paying back favors to me. I helped to do all I could to keep Mr. Mizzell in office here, and favored him on several occasions.

Mr. EASBY-SMITH. I am not asking how they gave you the information; I want to know how they got the advance information.

Mr. MULHALL. I understood they got it from among their friends, and they made a canvass of Members here.

Mr. EASBY-SMITH. This workingmen's association is the same one that you organized, and used throughout during your work for the N. A. M.?

Mr. MULHALL. No; I won't say during all my period with the N. A. M.

Mr. EASBY-SMITH. During a portion of your period with them?

Mr. MULHALL. Yes, sir; the first portion of it.

Mr. EASBY-SMITH. You used the labor cards which they carried in order to get them into the inside workings of labor organizations in other parts of the country?

Mr. MULHALL. I can not say that.

Mr. EASBY-SMITH. How did you use them?

Mr. MULHALL. How could I use their cards?
Mr. EASBY-SMITH. Did you have them use their cards?
Mr. MULHALL. They might have done it.
Mr. EASBY-SMITH. To get into labor organizations?
Mr. MULHALL. They were well-known labor people.
Mr. EASBY-SMITH. And got inside information?
Mr. MULHALL. I would not say that they got inside information. They did political work.
Mr. EASBY-SMITH. Did you not follow that method, Mr. Mulhall?
Mr. MULHALL. No, sir; the National Association of Manufacturers followed it.
Mr. EASBY-SMITH. You did it for them?
Mr. MULHALL. Mr. Cushing did it—started it.
Mr. EASBY-SMITH. Did Mr. Cushing organize that workmen's association in Baltimore?
Mr. MULHALL. He helped to do it; to rebuild it up.
Mr. EASBY-SMITH. And you helped to do it?
Mr. MULHALL. Yes, sir.
Mr. EASBY-SMITH. And he used them for that purpose?
Mr. MULHALL. Yes, sir; not for that purpose alone, because several got offices and held offices for a long period of time.
Mr. EASBY-SMITH. You used them for that and for other purposes?
Mr. MULHALL. For political purposes.
Mr. EASBY-SMITH. You testified before this committee that you wanted to give Mr. McMichael a field job in the National Association of Manufacturers, and that the reason you could not do it and have him do this field or political work was because he did not have a union card, and therefore could not get into labor organizations in the field?
Mr. MULHALL. Will you read that testimony?
Mr. EASBY-SMITH. Did you not so testify?
Mr. MULHALL. Read that testimony.
Mr. EASBY-SMITH. Will you state whether or not that is a fact?
Mr. MULHALL. I am not positive until you read my testimony on that point to me, because you are adding on to it.
Mr. EASBY-SMITH. Then I will put the question in this way: Did Mr. McMichael apply to you for employment in the National Association of Manufacturers?
Mr. MULHALL. He asked for work in the New York office.
Mr. EASBY-SMITH. And you endeavored to secure for him that work; is that correct?
Mr. MULHALL. No, sir.
Mr. EASBY-SMITH. What did you endeavor to secure for him?
Mr. MULHALL. I did not endeavor to secure anything for him.
Mr. EASBY-SMITH. You did not endeavor to secure work for him in any way?
Mr. MULHALL. No, sir.
Mr. EASBY-SMITH. Why didn't you?
Mr. MULHALL. I can't go back; my memory ain't clear just why, now.
Mr. EASBY-SMITH. Was it not because he did not have a union card?

Mr. MULHALL. That might be one of the reasons.

Mr. EASBY-SMITH. Did not you so testify before this committee?

Mr. MULHALL. Read my testimony and find it.

Mr. EASBY-SMITH. The record will speak for itself.

Mr. MULHALL. Of course it will.

Mr. EASBY-SMITH. I am willing to leave it there, sir.

Now, Col. Mulhall, I direct your attention to page 3204, letter No. 3805, which is dated June 10, 1910, six days later than the letter concerning which I have just interrogated you. About the middle of the page the letter begins (I won't read the first paragraph, but I will read the second paragraph):

> The note that I received from a Maryland friend of the House, which I showed you in Mr. Emery's office on Wednesday, was handed to the whip of the House, and he sent copies of it to a large number of leading Republicans on the House side.

Who was the Maryland friend of the House from whom you received this note?

Mr. CRIM. One moment, Mr. Easby-Smith. What page are you reading from?

Mr. MULHALL. I followed him.

Mr. EASBY-SMITH. Page 3204 of the Senate hearings.

Mr. MULHALL. I should judge again it was Mr. McDermott.

Mr. EASBY-SMITH. Was that another typographical error?

Mr. MULHALL. It might have been at that time to shield Mr. McDermott, as I stated before.

Mr. EASBY-SMITH. It might be?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Well, let us see. We will go to page 3208.

Mr. CRIM. Now, if the committee please, I want to state right here, Mr. Easby-Smith is confronting this witness with apparent inconsistent statements which he made at a time he was in the employ of the N. A. M., as a matter of cross-examination. Now, for the purpose of this cross-examination, it may be admitted that he did all of these things. The fact is it may be admitted that he was a party to a criminal conspiracy all during that period of time, in violation of section 5440 of the Revised Statutes and in violation of section 5104. So that I think that obvious conflictions which may be admitted here during that period of time are not material as cross-examination at this time.

The CHAIRMAN. They are proper matters, I should think, Mr. Crim, to be considered by the committee.

Mr. CRIM. They are, for the committee; but I want to point out they are not cross-examination. That is the only point I make.

The CHAIRMAN. That he is not being examined on what he said in his direct testimony before this committee, but is being examined as to statements in letters he wrote?

Mr. CRIM. Exactly; at a time when it may be admitted he was in a criminal conspiracy.

The CHAIRMAN. Well, I think in an inquiry such as this, so long as there is no danger of anyone's rights being affected in the courts in any way through testimony that is taken here, it is very proper to permit that examination.

Mr. CRIM. We waive all of those rights on the part of Mr. Mulhall.

The CHAIRMAN. If at any time the question of immunity for anybody should arise, then of course the committee will have to consider that question separately; but until that question arises I feel that the inquiry in an inquisition of this sort may not improperly be made.

You may proceed, Mr. Easby-Smith.

Mr. EASBY-SMITH. Mr. Mulhall, I call your attention now to another letter at the top of page 3208. This is letter No. 3819, dated June 17, 1910. I read you the following:

I got tips who to see on the committee, and visited most of the Republicans, besides the Democratic Member from Maryland.

Who was the Democratic Member from Maryland mentioned in this particular letter?

Mr. MULHALL. That is some time ago, Mr. Easby-Smith, and my mind is not clear upon this subject. I believe I testified to that name on the Senate side. My mind was not clear and I have had no time to refresh it since.

Mr. EASBY-SMITH. You think that also was a typographical error?

Mr. MULHALL. No; I don't think so.

Mr. EASBY-SMITH. A little further down on the page—

I am very glad to report that Mr. Covington, the Maryland Democratic member of the committee, stayed away until 10 minutes to 12, and was of no use to the Democrats while the committee was in session, as he voted with the Republicans to adjourn.

Is that true?

Mr. MULHALL. I guess it must be if I wrote it.

Mr. EASBY-SMITH. I understand you repeatedly testified that all statements in these letters are true, with the exception of typographical errors?

Mr. MULHALL. They might be; yes, sir.

Mr. EASBY-SMITH. And it is somewhere, I believe, you said that you possibly purposely put the wrong Member of Congress in here and made another false statement in order to protect Mr. McDermott?

Mr. MULHALL. No. I might have said maybe if you turned—if you will read the letters you will find I was being—I was asked not to put names of active friends in letters. I was cautioned many times along those lines.

Mr. EASBY-SMITH. Was that before June, 1910?

Mr. MULHALL. You get the letters and I guess you will refresh your memory as well as mine.

Mr. EASBY-SMITH. In these letters you used names with great liberality?

Mr. MULHALL. After Mr. Kirby got in power and got acquainted, I got letters to be more cautious.

Mr. EASBY-SMITH. So that at this time you were not so cautious in the way you used names?

Mr. MULHALL. I was not so cautious at that time.

Mr. EASBY-SMITH (reading):

There were six Republicans present and five Democrats, Bartholdt, etc., being absent; so if Covington had been there it would have placed Mr. Gardner in quite an awkward position, etc.

That is all true?

Mr. MULHALL. I think it is.

Mr. EASBY-SMITH. Now, you still insist, do you, that your first reference to the Democratic Member from Maryland may be the Democratic Member from Illinois, and that that meant Mr. McDermott?

Mr. MULHALL. I don't insist anything of the kind. The Democratic Member from Illinois was not a member of that committee.

Mr. EASBY-SMITH. I am talking about your first letter now of June 4, 1910, in which you say you got this information from a Democratic Member of Congress from Maryland.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Do you still say that that was Mr. McDermott?

Mr. MULHALL. Yes, sir. He was about the only one that was giving me general information.

Mr. EASBY-SMITH. Now, will you state whether or not that was a typographical error or a false statement?

Mr. MULHALL. I am not sure on that, sir; my memory is not just clear on that.

Mr. EASBY-SMITH. It would be either one or the other?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. So your letters do contain false statements?

Mr. MULHALL. Well, you might judge that way, but let the committee pass judgment on it.

Mr. EASBY-SMITH. They will, sir.

Mr. MULHALL. All right, sir; I am satisfied.

Mr. CRIM. Wait a moment, Mr. Mulhall; let the committee attend to that.

Mr. EASBY-SMITH. Did Mr. Covington give you any advance information?

Mr. MULHALL. That would be an insult to Mr. Covington for me to even dream of it.

Mr. EASBY-SMITH. I would consider it so myself, Mr. Mulhall, unless you had so testified.

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Did Mr. Covington ever aid you in any manner?

Mr. MULHALL. I would not say that.

Mr. EASBY-SMITH. He never gave you any information?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. You have testified before this committee that he was a man above reproach?

Mr. MULHALL. I think he was.

Mr. EASBY-SMITH. That you never saw him more than two or three times in your life?

Mr. MULHALL. I would not say that. I saw Mr. Covington quite a number of times.

Mr. EASBY-SMITH. I call your attention, Mr. Mulhall, to a letter in Senate print No. 35, at page 3327, letter No. 4061–4062. First, I will ask you to turn over to page 3363 of the same number, and just below the middle of the page, Senator Nelson was interrogating you concerning an item "July 8, round trip from Baltimore, Md., to Easton, Md., at the request of Congressman Covington, mileage rate, $1.90."

You were asked by Senator Nelson:

What was that?

Mr. MULHALL. At the request of whom?

Senator NELSON. Of Congressman Covington. Why did you make that trip for him?
Mr. MULHALL. I am not clear on that trip just now, Senator.
Senator NELSON. Who was Congressman Covington?
Mr. MULHALL. He was the Congressman from the first Maryland district.
Senator NELSON. On the Eastern Shore?
Mr. MULHALL. Yes.

Is your mind any clearer now than it was then, as to why you made that trip at the request of Mr. Covington?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. It is no clearer?

Mr. MULHALL. I don't believe, if you will read on further, but what I corrected that. There was an organization in Maryland, as I believe I stated at that time, what they called the Builders' Exchange, that would look after Mr. Covington. They claimed they did, and I guess you will find the letters in my correspondence to that effect.

Mr. EASBY-SMITH. How do you mean they would look after Mr. Covington?

Mr. MULHALL. They boasted they had some political influence over him.

Mr. EASBY-SMITH. Do you believe that?

Mr. MULHALL. I do, sir.

Mr. EASBY-SMITH. And yet you say Mr. Covington was a man above reproach, and what was said concerning this association improperly influencing him would be an insult?

Mr. MULHALL. I do not take hearsay concerning a man's character.

Mr. EASBY-SMITH. You say you believed it?

Mr. MULHALL. Did I?

Mr. EASBY-SMITH. Just a moment ago.

Mr. MULHALL. Did I?

Mr. EASBY-SMITH. Yes.

Mr. MULHALL. You have it read.

The CHAIRMAN. Perhaps the witness does not understand you.

Mr. MULHALL. It is just the one word I object to, Mr. Chairman.

The CHAIRMAN. What do you mean—he believed what?

Mr. EASBY-SMITH. What he said, what he heard, that this association in Baltimore was improperly influencing Mr. Covington. I think the question was very clear.

Mr. CRIM. He has answered. Mr. Easby-Smith, if you will strike out the word "improperly"——

Mr. EASBY-SMITH. No; I won't strike out anything I asked, because that is the way I asked him.

Mr. CRIM. I think you will get a better answer, because the word "influence" in this investigation is a very vital word.

Mr. EASBY-SMITH. I have no doubt I could get a better answer.

Mr. CRIM. A man might be influenced from very proper motives.

Mr. EASBY-SMITH. The very question I asked him contained the word "improperly."

Now, turn back to page 3327, Mr. Mulhall; if you please, to this letter No. 4160–4162, dated March 28, 1911. It is in Senate part No. 35. I read as follows:

I came over here this morning with J. F. C. Talbott. I have made it a custom for the past three or four months to get on the train mornings with some Member of the Maryland delegation, as it affords me the opportunity of having

a pleasant interview from Baltimore to Washington, and also picking up necessary information.

As I wrote you last week, Mr. McMichael came to Baltimore on Thursday, and did a good day's work among the Maryland Members.

Mr. McMichael has testified, I believe, before this committee he did not do any work among any Maryland Members. What is your recollection about it?

Mr. MULHALL. I have already testified on that fact.

Mr. EASBY-SMITH. Repeat it; I have forgotten what you said.

Mr. MULHALL. Get out the Senate record and I will repeat it. I am not clear just what I did testify to at that time.

Mr. EASBY-SMITH. You are not clear now of what you testified to before the Senate committee?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH (reading):

I was not sure of how two Members of the delegation would stand upon labor measures; that is, Mr. J. Charles Linthicum and Mr. David J. Lewis. Mr. Lewis comes from Cumberland, in the sixth district, and they say he is very much in touch with the miners in that section.

I had McMichael interview these gentlemen—

Is that true?

Mr. MULHALL. If I wrote it at that time, I guess I must have gotten that impression.

Mr. EASBY-SMITH (reading):

* * * And he got the information that I wished to convey to Mr. Talbott before a meeting that was to be held in Talbott's office in Baltimore on Friday morning. The five Members of the Maryland delegation, Messrs. Covington, Talbott, Koenig, Linthicum, and Lewis, met in Baltimore on Friday and they agreed to stand as a unit upon securing appointments for Maryland, and in addition to that to arrange for committee positions for the Maryland delegation. This was the information that I wanted, for I believed that Lewis would be friendly to labor, but I found that this not the case—

Did you find that Mr. Lewis was not friendly to labor?

Mr. MULHALL. No; at no time did I find that out.

Mr. EASBY-SMITH. Then that statement is false?

Mr. MULHALL. Did you read that statement?

Mr. EASBY-SMITH. I did, sir.

Mr. MULHALL. That might be a statement I put in from the public press that impressed me at that time, because it was furnished the whole public from a meeting that took place in this office.

Mr. EASBY-SMITH. Mr. David J. Lewis, a Member in Congress from the sixth Maryland district, a miner!

Mr. MULHALL. Read that over again.

Mr. EASBY-SMITH. All right, sir.

This was the information that I wanted, for I believed that Lewis would be friendly to labor, but I found that this was not the case——

Mr. MULHALL. I don't believe that sentence would be right, because it would be that Mr. Lewis would be friendly to labor.

Mr. EASBY-SMITH. Is that another typographical error?

Mr. MULHALL. That is, I guess, another typographical error if it is put in in that way.

Mr. EASBY-SMITH. Very well, sir. I will continue.

* * * and after two hours' meeting at Mr. Talbott's office on Friday morning they agreed to leave the affairs of the delegation in Mr. Talbott's

hands and have him and Mr. Covington work to secure for the three new Members good positions upon the prominent committees.

How did you get that information?

Mr. MULHALL. That was published in the Baltimore papers. That was a published statement from the Baltimore Press.

Mr. EASBY-SMITH. Was it published in the Baltimore papers that Mr. David J. Lewis would not be friendly to labor?

Mr. MULHALL. No, sir; it was not.

Mr. EASBY-SMITH. I continue:

I was very much pleased at the result of the meeting, for Talbott has been our friend for years—

Whose friend, Mr. Mulhall?

Mr. MULHALL. I have had—I never got any direct information from Mr. Talbott, except from your friend on your right, there. I sent to Mr. Talbott on several occasions for different information and always got it.

Mr. EASBY-SMITH. Who did you mean by "our"? You said "our friend."

Mr. MULHALL. I should judge a friend of the National Association of Manufacturers.

Mr. EASBY-SMITH. Was he?

Mr. MULHALL. I do not believe he was, now.

Mr. EASBY-SMITH. Was this statement true or false?

Mr. MULHALL. From information I got from McDermott, it was true.

Mr. EASBY-SMITH. So you put this in on Mr. McDermott's say so?

Mr. MULHALL. I frequently put information in my letters and reports on Mr. McDermott's say so.

Mr. EASBY-SMITH. Although you, yourself, almost daily rode on the train and interviewed Mr. Fred Talbott?

Mr. MULHALL. No; I rode on the train almost daily, and I have often spoken to him in the station, and would get on the same train and all, and maybe I spoke to him on the train at times.

Mr. EASBY-SMITH. But you depended on Mr. McDermott for your belief that Talbott was a friend of the National Association of Manufacturers?

Mr. MULHALL. In a great measure; yes, sir.

Mr. EASBY-SMITH. In a great measure. Very well, sir. I further read:

* * * Talbott has been our friend for years, and Mr. Covington has demonstrated his fidelity at the last two sessions of Congress——

Mr. MULHALL. How is that? Read that again.

Mr. EASBY-SMITH. I will read it and you can read it too, sir:

and Mr. Covington has demonstrated his fidelity at the last three sessions of Congress—

What does "fidelity" consist of, according to you, Mr. Mulhall?

Mr. MULHALL. That would be a matter, from what I judge in my mind, from his votes in the committee, and also his votes on the floor.

Mr. EASBY-SMITH. Very well, sir. [Reading:]

* * * Mr. Covington has demonstrated his fidelity at the last two sessions of Congress, for on two occasions he broke up a quorum of the Committee on Labor—

Is that true?

Mr. MULHALL. It was.

Mr. EASBY-SMITH (reading):

For if he had attended as a member the meetings of the committee they would have had a quorum and would have been able to report an eight-hour bill out, but by Covington staying away on those occasions they were unable to hold meetings of the committee.

Now, did he stay away from those meetings at your request?

Mr. MULHALL. No, sir; he did not.

Mr. EASBY-SMITH. Did he stay away at the request of Mr. McDermott?

Mr. MULHALL. I don't know whether he did or not, sir.

Mr. EASBY-SMITH. Did he stay away at the request of anybody?

Mr. MULHALL. I can't say that.

Mr. EASBY-SMITH. Didn't you testify before this committee that he stayed away at the request of Mr. McDermott?

Mr. MULHALL. I maybe got information from Mr. McDermott how he would vote.

Mr. EASBY-SMITH. Maybe. Did you or did you not?

Mr. MULHALL. I am not clear on that subject just now.

Mr. EASBY-SMITH. Didn't you testify before this committee last week that you did get that information from Mr. Dermott?

Mr. MULHALL. Read it.

Mr. EASBY-SMITH. You won't say whether you did or not?

Mr. MULHALL. Read it. Your statements yesterday were not altogether clear on matters of that kind, so I am not taking your statements to-day as I did yesterday.

Mr. EASBY-SMITH. I am not clear?

Mr. MULHALL. I don't think so. You were not clear on the Chicago matter.

Mr. EASBY-SMITH. I further read:

He has done splendid work since he has been a Member for our cause, and I am extremely anxious at the present time to have him serve on that committee and act as its chairman.

Which committee?

Mr. MULHALL. The Committee on Labor. I suggested Mr. Covington's name to Mr. Emery and others, and would like to have seen him as chairman of the committee.

Mr. EASBY-SMITH. Why?

Mr. MULHALL. Because I believed he was strictly honest and conservative.

Mr. EASBY-SMITH. Yet he had exhibited fidelity to your cause for two years?

Mr. MULHALL. I don't think he had exhibited. That might be his principles.

Mr. EASBY-SMITH. So you didn't say he demonstrated his fidelity?

Mr. MULHALL. That might be my judgment at that time.

Mr. EASBY-SMITH. In order that there may be no misunderstanding, there is no question in your mind now but Mr. Covington is a man above reproach?

Mr. MULHALL. I always believed that, sir.

Mr. EASBY-SMITH. Now, after testifying that Mr. McDermott told you Mr. McDermott had kept Mr. Covington away, didn't

you later in your testimony here testify that the Baltimore association, this building trades' association, worked on him?

Mr. MULHALL. You read where I say that Mr. McDermott kept Mr. Covington away.

Mr. EASBY-SMITH. I think I can find it, sir.

Mr. MULHALL. All right.

Mr. EASBY-SMITH. I will find it later.

Mr. MULHALL. Find it. I would like to have you confine yourself to the truth.

The CHAIRMAN. One moment, now, Colonel.

Mr. EASBY-SMITH. Very well, sir. Now, did you or not testify also before this committee that influence was brought to bear upon Mr. Covington by this Baltimore association?

Mr. MULHALL. I think from letters in my files, among my files, they gave me that impression; yes.

Mr. EASBY-SMITH. Turn to the typewritten record at page 2033, if you please. Mr. Ferris was asking you, Mr. Mulhall, on Friday, the 21st of August:

Mr. FERRIS. Do you know whether or not any conditions of this kind existed after the committees were elected by the House?

Mr. MULHALL. I know I saw Mr. Gardner and others on the committee, Republican Members, and coaxed them to stay on, but I had nothing to do with making up the Democratic Members—used no influence of any kind, shape, or form.

Mr. FERRIS. Did McMichael give you any information about keeping them away, as chief page?

Mr. MULHALL. No, sir; I don't think so.

Mr. FERRIS. Did McDermott give you any information about keeping them away?

Mr. MULHALL. I am not sure on Covington, but I think he said—I think he informed me Mr. Covington would not be present on one occasion.

Mr. FERRIS. You think Mr. McDermott informed you Mr. Covington would not be present on one occasion?

Mr. MULHALL. Yes, sir.

Now, at page 2035:

Mr. FERRIS. You are sure, are you, that Mr. McDermott knew that you were working on these Republican Members to break a quorum?

Mr. MULHALL. I believe he was; yes, sir; I am sure of it.

Now, at page 2036:

Mr. FERRIS. You did not talk with Harry Covington personally?

Mr. MULHALL. I never had to my knowledge but two interviews with Mr. Covington.

Mr. FERRIS. Was it in reference to labor matters?

Mr. MULHALL. No, sir; the interview with Mr. Covington on one occasion was to invite him to go to the Indianapolis convention, and I think another time about a fight on some labor measures.

Mr. FERRIS. Do you know, then, that Mr. Covington had a preconceived plan to stay away and break a quorum?

Mr. MULHALL. Not to my knowledge; no, sir; not to my own knowledge; no, sir.

Now we will go to page 2037.

The CHAIRMAN. Mr. Easby-Smith, just what is gained by rereading all of his testimony?

Mr. EASBY-SMITH. He asked me to. He questions the fact that I have rightly interpreted his testimony.

The CHAIRMAN. But the committee will read that for itself and interpret it. It is just a matter of losing time.

Mr. EASBY-SMITH. I have just one more sentence.

The CHAIRMAN. All right.

Mr. EASBY-SMITH. This is the examination by Mr. Willis:

Mr. WILLIS. Who told you he had influenced Mr. Covington to stay away from that meeting?

Mr. MULHALL. Who informed me?

Mr. WILLIS. Yes.

Mr. MULHALL. I think, as near as I can get from the correspondence I got, there was influence brought to bear from a Baltimore organization, what they called the Builders' Exchange of Baltimore. I have got several letters in my correspondence to that effect.

Mr. MULHALL. Is that strictly what I testified to?

Mr. EASBY-SMITH. Yes, sir; that is strictly what you testified to.

Mr. MULHALL. Then, what is your answer? [Laughter.]

Mr. EASBY-SMITH. I have no answer to make, Mr. Mulhall; I want an explanation from you if you have one.

Mr. MULHALL. I have got none to make.

Mr. EASBY-SMITH. I want to go now to the proposition of your lending money to Mr. McDermott. I understand your testimony to be that these loans were personal; you loaned Mr. McDermott money out of your own pocket?

Mr. MULHALL. You might take them as a personal loan. I gave testimony on that question; I thought they were——

Mr. EASBY-SMITH. Would you lend him your money, or would you lend him money of the N. A. M.?

Mr. MULHALL. I was lending my money.

Mr. EASBY-SMITH. Your money?

Mr. MULHALL. As a rule. I didn't charge him up.

Mr. EASBY-SMITH. You didn't charge him up; you did not put in what money you loaned Mr. McDermott in your accounts to the N. A. M.?

Mr. MULHALL. Well, I might say, as I stated before, testified before, that when I thought it proper and right I might have put it in incidental expenses.

Mr. EASBY-SMITH. You do not recall how you testified before this committee on direct examination?

Mr. MULHALL. You read it and then I will recall.

Mr. EASBY-SMITH. You can not recall until I read it?

Mr. MULHALL. I prefer that you read it.

Mr. EASBY-SMITH. I won't take the time to do it. I will refresh your recollection: Didn't you, in answer to several questions of the committee, specifically state that when McDermott promised you to pay it back it was a personal matter, and he promised to pay you and not the N. A. M.?

Mr. CRIM. I object to that. That is not the way to cross-examine a witness. Let him show the witness the question and answer and ask if he made that reply.

Mr. EASBY-SMITH. I want to test the recollection of the witness.

The CHAIRMAN. I think Mr. Crim is right about that, Mr. Easby-Smith.

Mr. CRIM. To test the recollection of the witness, when the man has been on the stand for almost months!

Mr. EASBY-SMITH. Now, you testified before this committee, Mr. Mulhall, that Mr. McMichael told you that Mr. McDermott was get-

ting a specific portion of the money which you gave McMichael. What specific portion did Mr. McMichael say Mr. McDermott was getting?

Mr. MULHALL. You are not putting that question right. You get anything where I said "specific."

Mr. EASBY-SMITH. Very well, sir. Page 1975—let me ask you, did Mr. McMichael tell you that Mr. McDermott was getting a specific portion of that money?

Mr. MULHALL. I won't say when you put that word in. You eliminate that word and I might say yes.

Mr. EASBY-SMITH. Mr. Willis asked you this question at page 1975?

Mr. MULHALL. All right, you read Mr. Willis's question.

Mr. EASBY-SMITH (reading):

Mr. WILLIS. With whom was he dividing his funds?
Mr. MULHALL. With James T. McDermott, Congressman.
Mr. WILLIS. Did McMichael tell you that?
Mr. MULHALL. Yes, sir. On frequent occasions he said that Mr. McDermott was continually touching him for dough, as he called it.
Mr. WILLIS. Did he say that Mr. McDermott got any specific portion of this?
Mr. MULHALL. As a general rule, yes. I know that Mr. McDermott interviewed me on several occasions to have McMichael's pay raised so that he might get a little more dough.

Mr. MULHALL. That is strictly correct.

Mr. EASBY-SMITH. What specific portion of the money you gave McMichael did McDermott get?

Mr. CRIM. I object to that question as absolutely improper. He has testified very definitely that Mr. McMichael told him that Mr. McDermott was touching him and trying to get money, and so on. Now, the other questions Mr. Easby-Smith has just read indicate that there was no specific or definite portion from a mathematical standpoint paid to Mr. McDermott, but there were promiscuous sums that reached Mr. McDermott through various sources. I submit that that question in that form is absolutely improper in view of the testimony.

The CHAIRMAN. I think that is a true interpretation of his former testimony, but I do not see any objection, really, to him being asked the question whether he knows what specific amount was given.

Mr. MULHALL. If the gentleman will let me explain it, I was told by Mr. McMichael that he generally got a share of the salary, the amount of money that I paid him—maybe from $10 to $20 a month.

Mr. EASBY-SMITH. If I recollect correctly, you testified before the Senate committee that when you paid McMichael the $100 in Baltimore, for which you exhibited before the Senate committee Mr. McMichael's receipt, Mr. McMichael's report showed that Mr. McDermott got half of it. Where is that report?

Mr. MULHALL. Did you find it?

Mr. EASBY-SMITH. I want you to tell me where it is.

Mr. MULHALL. I don't know, sir; unless you have it among my papers.

Mr. EASBY-SMITH. I have it among your papers?

Mr. MULHALL. I say, unless you have it among my papers.

Mr. EASBY-SMITH. Did you ever get such a report from Mr. McMichael?

Mr. MULHALL. I am not clear on that subject. I think Mr. McMichael came over to my home at one time, and I gave him, I think, $500, and he told me that McDermott was waiting for him when he returned, to get a share of the $500, and McMichael got loaded before he returned, and I don't know whether Mr. McDermott got any of that or not.

Mr. EASBY-SMITH. That was in October, 1911. Don't you know that for two months prior and two months subsequent to it Mr. McDermott was in Chicago?

Mr. MULHALL. You are asking me—I am telling you what McMichael stated to me as near as I can.

The CHAIRMAN. Do you know personally about him getting any part of that $100?

Mr. MULHALL. No, sir; I do not.

The CHAIRMAN. Have you any personal information about it at all?

Mr. MULHALL. No, sir; and I don't believe I testified to that effect.

Mr. EASBY-SMITH. Will you state whether or not the $50 monthly salary included the loans you made to him or not?

Mr. MULHALL. I won't say that maybe he did not get a little more than that at times, because when Mr. McMichael told me to pay to Count Fernandez and others little tips I gave it, and I don't know as I got it back.

Mr. EASBY-SMITH. Will you fix, if you please, Mr. Mulhall, the date you say Mr. McDermott "swiped" $36 from you?

Mr. MULHALL. I think there is a witness that can fix that date positively; I am not just clear on the subject. I think it was in the winter session of 1911.

Mr. EASBY-SMITH. The winter session of 1911?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Let us get straight on that. You mean the winter session consisting of the early part of the year 1911, or the latter part of the year 1911?

Mr. MULHALL. I should say in January or February.

Mr. EASBY-SMITH. January or February, 1911? That is as near as you can come to it?

Mr. MULHALL. I think it is, sir.

Mr. EASBY-SMITH. Where did that happen?

Mr. MULHALL. It happened right in front of Fritz Reuter's bar, at the upper end of the bar from the Pennsylvania Avenue entrance.

Mr. EASBY-SMITH. In the barroom?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Who was present?

Mr. MULHALL. Well, there was quite a number of gentlemen standing up to the bar, and I believe, as near as I can remember, I was standing close to the cigar stand.

Mr. EASBY-SMITH. Was Mr. McMichael there?

Mr. MULHALL. I am not sure of that now, but I don't believe he was.

Mr. EASBY-SMITH. Did you go to Fritz Reuter's without Mr. McMichael?

Mr. MULHALL. Yes, sir; frequently.

Mr. EASBY-SMITH. You do not know whether McMichael was there or not?

Mr. MULHALL. I am not sure on that occasion.

Mr. EASBY-SMITH. Did you know the bartender?

Mr. MULHALL. I knew them to see them; I did not know them by name.

Mr. EASBY-SMITH. Was he there?

Mr. MULHALL. I knew one gentleman that kind of kept accounts there, by the name of Regan.

Mr. EASBY-SMITH. Where was he?

Mr. MULHALL. If I am not mistaken, at that time he was standing right behind the cigar counter.

Mr. EASBY-SMITH. How near to you?

Mr. MULHALL. Well, about 3 feet or 4 feet.

Mr. EASBY-SMITH. What was his business there?

Mr. MULHALL. I think he attended the cigar stand and kept books.

Mr. EASBY-SMITH. Who else was there?

Mr. MULHALL. Well, there was, as I said, about 10 or 12 people in the bar.

Mr. EASBY-SMITH. You did not know any of them?

Mr. MULHALL. I never went there to meet those that frequented Fritz Reuter's, neither male nor female, except when I was forced in there by the company I was seeking.

Mr. EASBY-SMITH. What time of the day did this happen?

Mr. MULHALL. I think it was in the evening.

Mr. EASBY-SMITH. Now, by "evening" do you mean the late afternoon or night?

Mr. MULHALL. No; I mean the late afternoon.

Mr. EASBY-SMITH. Do you remember whether it was dark or not?

Mr. MULHALL. I should say it was dark; yes, sir.

Mr. EASBY-SMITH. The lights were burning?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Have you seen Mr. Regan's statement or affidavit?

Mr. MULHALL. I have not, sir.

Mr. EASBY-SMITH. You did not know Mr. McMichael had one?

Mr. MULHALL. I did not; no, sir, until I heard Mr. McMichael testify to that effect.

Mr. EASBY-SMITH. You saw Regan in New York?

Mr. MULHALL. I met him in New York on one occasion; yes, sir.

Mr. EASBY-SMITH. You talked to him about it then?

Mr. MULHALL. How is that?

Mr. EASBY-SMITH. You talked to him about it at that time?

Mr. MULHALL. I don't believe I did. All I ever talked to Regan was that I wanted him to tell the absolute truth—that is, if he was called.

Mr. EASBY-SMITH. Did you go there with Mr. McDermott on that occasion?

Mr. MULHALL. No, sir; I think I went there inquiring for Mr. McDermott. I am not sure of that——

Mr. EASBY-SMITH. And you found him——

Mr. MULHALL (continuing). Because it was so frequent I would not just say whether he got there first or I got there first.

Mr. EASBY-SMITH. Tell us just how he happened to "swipe" this money.

Mr. MULHALL. I believe I went into the bar and asked for a drink, and while I was drinking Mr. McDermott, I believe, came up to the bar and stood waiting and I got to talking——

Mr. EASBY-SMITH. Was Mr. McDermott in there when you went in?

Mr. MULHALL. I am not sure of that.

Mr. EASBY-SMITH. You were taking a drink by yourself?

Mr. MULHALL. Yes, sir; I frequently take a glass of beer by myself.

Mr. EASBY-SMITH. What did Mr. McDermott say to you at that time?

Mr. MULHALL. He said—I don't like to repeat his language in a saloon. We talked as we generally talk.

Mr. EASBY-SMITH. How did you come to take the money out of your pocket?

Mr. MULHALL. I took the money out of my hip pocket, as I generally carry it there, and went to take off a dollar bill to pay the bar for the two or three drinks that was had——

Mr. EASBY-SMITH. Did you have it in a pocketbook?

Mr. MULHALL. No, sir; I never carried a pocketbook.

Mr. EASBY-SMITH. You rolled it?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Have you got any in your hip pocket now?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Will you show me——

Mr. CRIM. Mr. Chairman, I object.

The CHAIRMAN. I do not see that it is of the slightest importance.

Mr. MULHALL (indicating). Here is how it is carried; right in a roll.

The CHAIRMAN. I do not think it is of any importance.

Mr. EASBY-SMITH. Mr. Chairman, I consider this one of the most important incidents this witness has related.

The CHAIRMAN. I mean, how he carries his money.

Mr. EASBY-SMITH. Now, Mr. Mulhall, can you state approximately the denominations in which you had this $36?

Mr. MULHALL. No; I would say it was in small bills, because it was a good-sized roll.

Mr. EASBY-SMITH. A good-sized roll—rolled around was it?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. A round roll of $36?

Mr. MULHALL. Yes.

Mr. EASBY-SMITH. You slipped a dollar bill out to pay for the drinks; and what did Mr. McDermott do?

Mr. MULHALL. As I went to pay for the drinks and reached for the change, I had in my hand the roll, open, and he swiped it out of my hand in that way [indicating], and took it into his hand.

The CHAIRMAN. What did you say?

Mr. MULHALL. I asked him for the money back.

Mr. EASBY-SMITH. And what did he say?

Mr. MULHALL. He said, using his phrase, that I could get more.

Mr. EASBY-SMITH. What further did you do?

Mr. MULHALL. I protested and told him I did not have money to get home with on that occasion. He told me something else—that I could get home all right.

Mr. EASBY-SMITH. That is the night you borrowed money from whom?

Mr. MULHALL. I think I borrowed it from the newsman, the fellow that sells newspapers. I have always been in the habit of buying papers going in and out every morning, and I was well known to the news dealer.

Mr. EASBY-SMITH. You were pretty mad about it, weren't you?

Mr. MULHALL. No; I don't think I was mad about it. I might be mad if I did not get information, but thought maybe the gentleman earned his money.

Mr. EASBY-SMITH. You protested about it?

Mr. MULHALL. No; not very hard, sir. I was so cautious about my money—I know I had $1,500 left in Baltimore when I was on my way out in 1912, but I let it stay there.

Mr. EASBY-SMITH. In what bank did you have it, Mr. Mulhall?

Mr. MULHALL. I had that in the hands of a money loan—a fellow that loaned me $2,000—I had a mortgage here yesterday. Have you seen it?

The CHAIRMAN. We do not want that.

Mr. EASBY-SMITH. You told Mr. McDermott on that occasion that you did not have enough money to get home on?

Mr. MULHALL. I did, sir.

Mr. EASBY-SMITH. And notwithstanding that, he did not give you any of it back?

Mr. MULHALL. I never have known him to give up a cent, for drinks or anything else. He was free in ordering, and ordering for his lady friends.

Mr. EASBY-SMITH. How long, Mr. Mulhall, after he took this money did Mr. McDermott remain there with you?

Mr. MULHALL. I could not just say how long. It might be a very brief period of time—maybe 5 or 10 minutes.

Mr. EASBY-SMITH. Did you all have a drink together after that?

Mr. MULHALL. No; I did not. I did not have anything to pay for a drink with after that, except the change.

Mr. EASBY-SMITH. Did Mr. McMichael come in before you left?

Mr. MULHALL. I could not say, sir. I did not know who came in and who went out.

Mr. EASBY-SMITH. Did you leave Mr. McDermott there or not?

Mr. MULHALL. I think Mr. McDermott went out and took a red automobile he used to have there.

Mr. EASBY-SMITH. And skipped away with your $36?

Mr. MULHALL. Well, I did not see any more of it.

Mr. EASBY-SMITH. What did you do, Colonel, on that evening, between the time when Mr. McDermott "swiped" your money and the time you took the midnight train home to Baltimore?

Mr. MULHALL. I did not take any midnight train.

Mr. EASBY-SMITH. Didn't you testify so?

Mr. MULHALL. You read my testimony and see.

Mr. EASBY-SMITH. What time did you go back?

Mr. MULHALL. I think I went back early that evening.

Mr. EASBY-SMITH. So you did not stay about Fritz Reuter's, did not spend any money there, but went and borrowed a dollar and went home?

Mr. MULHALL. Yes, sir; I think that is correct.

Mr. EASBY-SMITH. Did you ever after that ask Mr. McDermott for that $36?

Mr. MULHALL. I do not believe I did. If the gentlemen will allow me and let me bring the witnesses in here that has seen McDermott's actions while he was in Fritz Reuter's I think the people would tar and feather him.

Mr. CRIM. I ask that that be stricken out, Mr. Chairman.

The CHAIRMAN. No, no; that is not testimony.

Mr. MULHALL. I want it to remain in the testimony——

The CHAIRMAN. Col. Mulhall, you must preserve order.

Mr. MULHALL. I beg pardon, Mr. Chairman. If the gentleman is seeking information he can get all he is looking for; I can assure him of that. If he wants information he should have it; I will give it——

The CHAIRMAN. This committee wants information, and the committee will confine the examination to the obtaining of such information as is required for its purposes.

Mr. MULHALL. I am only notifying the gentleman that if the committee don't I will.

The CHAIRMAN. You must preserve order, Mr. Mulhall.

Mr. MULHALL. I beg pardon, Mr. Chairman. I just want to get the information to the gentleman if he will take it.

The CHAIRMAN. The information you suggest is not the character of information that the committee cares anything about at this time. If it becomes important later in the development of this inquiry and in reaching the ends of justice to the public under this resolution, the committee will endeavor to obtain it; but it does not desire at this time to go into those matters.

You may proceed, Mr. Easby-Smith.

Mr. EASBY-SMITH. You feel quite bitter against Mr. McDermott?

Mr. MULHALL. No.

Mr. CRIM. I object to that, Mr. Chairman.

Mr. EASBY-SMITH. I submit, if the committee please, I have a right to show the bias and prejudice——

Mr. CRIM. Then show it by facts, by investigating——

Mr. EASBY-SMITH. I will show it out of his own mouth. Mr. Mulhall, haven't you testified before this committee that you were bitter toward him.

Mr. MULHALL. You read that testimony; find it.

Mr. EASBY-SMITH. I will pass that. Now, Mr. Mulhall, you have testified before this committee that you would have been satisfied to get part of the money back that you loaned Mr. McDermott. What part would you be willing to accept——

Mr. MULHALL. I would be glad to get back any part of it that he would give me. I think I would be repaid if he would pay back a few hundred dollars, at least.

Mr. EASBY-SMITH. And you do not know how much he owes you?

Mr. MULHALL. I have a kind of rough estimate.

Mr. EASBY-SMITH. Give it to us, please.

Mr. MULHALL. I should say, anyhow, figuring up for the different sessions of Congress, that he used to get away from me $250 to $300 in loans.

Mr. EASBY-SMITH. How often? Each session?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. How many sessions did he get money from you?

Mr. MULHALL. He commenced in the winter, I think, of 1910, and from that time on until I quit in 1912.

Mr. EASBY-SMITH. You mean the session of 1909 and 1910?

Mr. MULHALL. The winter session; yes, sir.

Mr. EASBY-SMITH. Beginning in December, 1910?

Mr. MULHALL. I believe I do.

Mr. EASBY-SMITH. And the spring session of 1911?

Mr. MULHALL. No; the spring session of 1910. Don't jump any.

Mr. EASBY-SMITH. I asked you and you said the session beginning in December, 1910.

Mr. MULHALL. I said the winter session; that is, beginning in 1909 and running into 1910.

Mr. EASBY-SMITH. Then the session of 1910 and 1911?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Then the special session of 1911?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Then the regular session of 1911 and 1912?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. The session of December, 1912?

Mr. MULHALL. Now, I don't say——

Mr. EASBY-SMITH. Well, is it? Tell me.

Mr. MULHALL. No, sir; I believe not——

Mr. EASBY-SMITH. That is five of them. You think that would amount to about $1,200?

Mr. MULHALL. No; I said about $800 or $900.

Mr. EASBY-SMITH. Eight or nine hundred dollars?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And you would be satisfied to get a few hundred back?

Mr. MULHALL. I think I would.

Mr. EASBY-SMITH. Did you ever credit him on account of the balance of the $250 McCormick check?

Mr. MULHALL. There was nothing to credit for. If you figure up my expenses, I think you would find he was the gainer, because whatever he got out there he got through me, and in addition to that, my efforts.

Mr. EASBY-SMITH. Did you travel on tickets or mileage, Mr. Mulhall, between here and Baltimore?

Mr. MULHALL. As a rule, I traveled on mileage.

Mr. EASBY-SMITH. To whom did you report, Mr. Mulhall, the loans that you made to Mr. McDermott?

Mr. MULHALL. I do not know as I reported to anybody, only his confederates that seen what took place.

Mr. EASBY-SMITH. Now name his confederates.

Mr. MULHALL. I should say McMichael, myself, and maybe a few—well, McMichael and myself, I should say.

Mr. EASBY-SMITH. You and McMichael were McDermott's confederates?

Mr. MULHALL. Well, that word might be a little bit strong as far as myself was concerned. I do not put myself in with him and never did.

Mr. EASBY-SMITH. Then there was one confederate—McMichael?

Mr. MULHALL. Well, he used to—there was lots of others used to be around there. Do you wish me to take up the ladies?

The CHAIRMAN. No.

Mr. MULHALL. I would like to mention a few names to the gentleman. It might refresh his memory.

The CHAIRMAN. Col. Mulhall, I want, once for all, to give you absolute instructions about that phase of the matter, and I wish to make this statement about it: If it becomes necessary at any time, in order to arrive at the facts and do justice to the public under this resolution, the committee will not hesitate at all to go into those questions.

Mr. MULHALL. I hope to God the time will come——

The CHAIRMAN. Just a minute, Colonel. But for the present, not seeing where it will serve any public good, and believing that it could only, if true or untrue, bring sorrow to innocent persons, this committee is not going to be made a sewer for this business at this time, and I give you express instructions not to go into that phase of the matter.

Mr. MULHALL. I do not want to go into it, Mr. Chairman, but the gentleman is striking pretty close; and they have said things here before this committee that I would like to have a chance at contradicting—in another man's testimony here.

Mr. EASBY-SMITH. Now, Mr. Mulhall, besides Mr. McMichael, did you report these loans to any other person?

Mr. MULHALL. Sir?

Mr. EASBY-SMITH. Did you report these loans to any other persons besides Mr. McMichael?

Mr. MULHALL. I do not believe I reported them to Mr. McMichael. I think Mr. McMichael could see for himself.

Mr. EASBY-SMITH. Did you report them to anybody?

Mr. MULHALL. I do not want to go into family affairs.

Mr. EASBY-SMITH. Well, outside of your family and his family——

Mr. MULHALL. I had a family that had been keeping track of my affairs——

Mr. EASBY-SMITH. Outside of your family did you report these loans to anyone?

Mr. MULHALL. I do not believe I did.

Mr. EASBY-SMITH. Your mind is clear on that?

Mr. MULHALL. I am not so sure. It is some years ago.

Mr. EASBY-SMITH. And that is why you do not remember it; because it is several years ago?

Mr. MULHALL. Well, you read me anything there you have got, and you might enlighten me.

Mr. EASBY-SMITH. You stated that as consideration for some of the loans made to you, besides congressional information, Mr. McDermott instructed his secretary, Mr. McMichael, to give to you Mr. Gompers's monthly letters. Did he?

Mr. MULHALL. So I understood from Mr. McDermott.

Mr. EASBY-SMITH. And you got the monthly letters?

Mr. MULHALL. I am not sure of that, whether I did or not.

Mr. EASBY-SMITH. Who told you that Mr. McDermott instructed Mr. McMichael to give you Mr. Gompers's monthly letters?

Mr. MULHALL. Mr. McDermott himself told me so.

Mr. EASBY-SMITH. And you do not know whether you ever saw one of those monthly letters or not?

Mr. MULHALL. I think I did.

Mr. EASBY-SMITH. See if this is not one of them [handing a paper to the witness]. See if that is what you mean.

Mr. MULHALL. No, sir; I do not think that is what I mean.

Mr. EASBY-SMITH. Do you know of any other monthly letters issued by Mr. Gompers?

Mr. MULHALL. I am not just sure on that just now.

Mr. EASBY-SMITH. In fact, Mr. Gompers's monthly letter is printed and issued to the whole world, isn't it?

Mr. MULHALL. I understood it was a confidential letter given to the labor workers in Congress or to the general labor workers.

Mr. EASBY-SMITH. You never saw one of them?

Mr. MULHALL. I would not be sure on that subject.

Mr. EASBY-SMITH. You say he instructed Mr. McMichael to turn over Mr. Gompers's private letters to you?

Mr. MULHALL. Any correspondence coming from labor—circulars that would be of any benefit to me, as I understood.

Mr. EASBY-SMITH. Did Mr. McMichael or Mr. McDermott either tell you that Mr. McDermott had instructed Mr. McMichael to turn over to you Mr. Gompers's private letters?

Mr. MULHALL. Not his private letters; no, sir.

Mr. EASBY-SMITH. Did you ever see a letter from Mr. Gompers to Mr. McDermott?

Mr. MULHALL. I am not just sure of that.

Mr. EASBY-SMITH. Did you ever see any letters from any labor people to Mr. McDermott?

Mr. MULHALL. I think I did.

Mr. EASBY-SMITH. From whom?

Mr. MULHALL. I would not be just sure of the names.

Mr. EASBY-SMITH. Tell us what those letters contained.

Mr. MULHALL. That would be going into details, and you or nobody else could do that.

Mr. EASBY-SMITH. I would like to know, Mr. Mulhall; it is very important. You stated to this committee that the consideration for the money you gave to Mr. McDermott was that he gave you private information from Mr. Gompers and other labor leaders. Tell us what that was.

Mr. MULHALL. Read my evidence before the Senate and what I gave before this committee.

Mr. EASBY-SMITH. I asked you, sir, to tell this committee what information you ever got through Mr. McDermott from any labor leader.

Mr. MULHALL. From any labor leader?

Mr. EASBY-SMITH. Yes.

Mr. MULHALL. I know he kept in touch with labor leaders on the floor—those that had cards—according to his statement.

Mr. EASBY-SMITH. By the term "labor leaders" you mean Congressmen?

Mr. MULHALL. I meant Congressmen or any gentlemen around here in the interest of labor.

Mr. EASBY-SMITH. You said awhile ago you could tell us, but you did not think we ought to go into details.

Mr. MULHALL. I say there is no man on earth that can wait three or four years and recite in detail what took place. Anyway he kept in touch with labor leaders on the floor. Any bills or other matters that came up, they was carried to me by Mr. McDermott himself later on, and came from Mr. McMichael also—through him.

The CHAIRMAN. Did he ever turn over any letters from Mr. Gompers to you?

Mr. MULHALL. I think I saw letters—when I said letters, Mr. Chairman, I frequently went to Mr. McDermott's office, and I frequently seen him take letters out of his pocket when he came down into that lower room and read paragraphs from the letters.

The CHAIRMAN. He showed you parts of letters?

Mr. MULHALL. Yes, sir; but I would not say he gave me any letters to keep.

Mr. EASBY-SMITH. From whom were any of those letters?

Mr. MULHALL. I am not sure on that subject. You can take my reports and read them in relation to that.

Mr. STAFFORD. I would like to ask, did you ever see Mr. West who testified here yesterday and who was the secretary of Mr. McDermott for more than a year?

Mr. MULHALL. No, sir; I never did.

Mr. EASBY-SMITH. Did you ever see Mr. Shaw, who was Mr. McDermott's secretary?

Mr. MULHALL. I do not know him by name. I stated there was a young man in his office that was a folder or something there, or a messenger, and I was told later on that his name was Shaw.

Mr. EASBY-SMITH. Did you ever see any young ladies in the office?

Mr. MULHALL. I have seen one he has been employing there since 1912 or 1913.

Mr. EASBY-SMITH. Did you ever see any prior to that?

Mr. MULHALL. Not to my knowledge, sir. I might have seen another young lady in his office.

Mr. EASBY-SMITH. You won't testify as to two or three days or a week before you got the secret room?

Mr. MULHALL. Well, I generally went there when I knew the coast was clear except him or Mr. McMichael.

Mr. EASBY-SMITH. So you would know when there was nobody there except Mr. McDermott or Mr. McMichael?

Mr. MULHALL. As a rule, I would telephone over, and I would be told to come or stay away.

Mr. EASBY-SMITH. Who told you that?

Mr. MULHALL. Either McMichael or himself.

Mr. EASBY-SMITH. I now read to you from the Senate hearings, part 33, page 3229. You were asked by Senator Nelson:

Senator NELSON. How came you to have such confidence in Mr. McDermott? Was it simply because of what McMichael had told you about him?

Mr. MULHALL. Because of my frequent meetings with McDermott, his subserviency to anything I wanted, his instructions to McMichael to take orders from me, his getting for me a room in the basement of the Capitol, and even

going so far as to tell his private secretary to turn over Mr. Gompers's private letters to me.

Did you so testify?

Mr. MULHALL. I did.

Mr. EASBY-SMITH. You say now that is not true?

Mr. MULHALL. I do not say anything of the kind.

Mr. EASBY-SMITH. You testified so five minutes ago.

Mr. MULHALL. You read what I said five minutes ago and let us see what I said, or have the stenographer read it.

Mr. EASBY-SMITH. Did you put the money you loaned to Mr. McDermott into your incidental expenses in your accounts with the National Association of Manufacturers?

Mr. MULHALL. I can not say that I did. What I mean by that was when money was expended in Fritz Reuter's if I felt justified in putting it in I would do so; if not, I would not.

Mr. EASBY-SMITH. Let us get that clear. You mean if you met Mr. McMichael and Mr. McDermott and others and sat down and spent $6, $8, or $10 during the course of the evening you would put that in your account if you thought proper?

Mr. MULHALL. If I thought I could get any information for it that would be of any benefit to the organization.

Mr. EASBY-SMITH. If you did not get information you thought beneficial, you stood that expense yourself?

Mr. MULHALL. As a rule, if I got any enjoyment out of it and nothing came up I classified it the other way.

Mr. EASBY-SMITH. If you loaned Mr. McDermott a specific sum of money, say $10, $20, or $30, or the $100 you have mentioned, would you put that in your account?

Mr. MULHALL. No, sir.

Mr. EASBY-SMITH. Would you not get that in under the head of "Incidental expenses"?

Mr. MULHALL. No; I could not.

Mr. EASBY-SMITH. And you did not?

Mr. MULHALL. I did not attempt to do it.

Mr. EASBY-SMITH. I now read to you from your testimony before the Senate committee, part 35, page 3354, in which you were interrogated concerning your expense account No. 4241. At the top of page 3354 it reads:

Senator REED. I see. It is as follows:

"May 11. Dinner for self and Congressman McDermott and friends at hotel, $4."

Senator NELSON. That was not giving him much of a layout.

Senator WALSH. Did you want to say something about the incidental expense item?

Mr. MULHALL. Yes, sir. There were $10 of that incidental expenses that I passed over to Mr. McDermott.

Senator WALSH. He borrowed the money?

Mr. MULHALL. Yes, sir.

Mr. MULHALL. That might be correct at that time.

Mr. EASBY-SMITH. And not correct at this time?

Mr. MULHALL. I can not say that—did I testify that it was not?

Mr. EASBY-SMITH. Well, I interrogated you in some detail about it.

Mr. MULHALL. Well, you get your question here.

Mr. CRIM. Mr. Chairman, I ask that page 3354 may go in the record.

The CHAIRMAN. Yes; I think it ought to go in, and the first two questions and answers on page 3355.

Mr. CRIM. Yes.

(The testimony referred to is as follows:)

Senator REED. I see. It is as follows:

"May 11. Dinner for self and Congressman McDermott and friends at hotel, $4."

Senator NELSON. That was not giving him much of a layout.

Senator WALSH. Did you want to say something about the incidental-expense item?

Mr. MULHALL. Yes, sir. There were $10 of that incidental expenses that I passed over to Mr. McDermott.

Senator WALSH. He borrowed the money?

Mr. MULHALL. Yes, sir.

Senator REED. Did he ask really for a loan, or did he ask you if you had any money about you, or how did he do it?

Mh. MULHALL. I can hardly explain that unless you had run up against Mr. McDermott and his way of doing business. I will state that once I pulled out my whole roll, which was at Fritz Reuter's Hotel, and he took the whole roll. I thought I was going to get some of it back, but never did.

Senator REED. How much was in the roll?

Mr. MULHALL. $36.

Senator NELSON. He was probably broke at that time.

Mr. MULHALL. I never saw him otherwise.

Senator REED. No. 4242 is what?

Mr. MULHALL (after examining letter). A letter from Mr. Emery to me.

Senator REED. Is No. 4243 a letter from Mr. Bird to you?

Mr. MULHALL (after examining letter). Yes, sir.

Senator NELSON. I would like to ask one question, if you will allow me, Senator Reed, in reference to that roll of $36. You say you gave him a roll of $36. Did you charge it up to the Manufacturers' Association?

Mr. MULHALL. No, sir; I did not. No; I said I did not give him the roll; he took the roll.

Senator NELSON. Grabbed it?

Mr. MULHALL. He just scraped it out of my hand.

Senator NELSON. Swiped it?

Mr. MULHALL. Well, I should say swiped it; yes.

Senator REED. Do you mean to say you never in any way charged that up to the Manufacturers' Association?

Mr. MULHALL. I don't believe I ever charged up any money that was loaned to that organization, or any expenses of my wife while she was traveling with me, or any of her expenses.

Senator NELSON. Mr. McDermott must have been a pretty heavy drain on you, then.

Mr. MULHALL. For the information he furnished—well, it was like the Gardner campaign, I guess we—I guess I got my money's worth.

Senator REED. No. 4244 is a letter that Mr. Emery wrote you?

Mr. MULHALL. There were hundreds of books and documents sent out. [After examining No. 4244.] Yes; it is a letter that Mr. Emery wrote me.

Senator REED. 4245, 4246 appears to be another expense account?

Mr. MULHALL (after examining paper). Yes, sir.

Senator REED. I call attention now to the following item:

May 25.	Breakfast in New York City	$1.00
	Dinner in New York City for self	.85
	Supper for self and one at Hoted Imperial	4.00
	For entertaining Mr. McDermott from 8 p. m. to 1 a. m	6.00

Senator NELSON. You got off cheap.

The CHAIRMAN. That was a pretty long dinner, from 8 until 1 o'clock.

Senator REED. You did expend that money with Mr. McDermott?

Mr. MULHALL. Yes, sir.

The CHAIRMAN. I have the following letter from Senator Overman, under date of August 22, 1913, which will be inserted in full in the record, and also a letter from Mr. Clopton, clerk of the Senate Judiciary Committee, under the same date, and also under date of August 25 a letter from Mr. Clopton, which will be inserted in the record.

(The letters referred to are as follows:)

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
August 22, 1913.

Hon. FINIS J. GARRETT,
Chairman, etc., House of Representatives.

MY DEAR MR. GARRETT: In compliance with your request of to-day just received, I have instructed the clerk of the committee to hand your messenger, who is now here, the following documents from the files of the original Mulhall correspondence, our Nos. 2246, 4022–4023, 4269, 4272–4273, 4280–4281, 4290–4291, 4292, and also No. 3779–3784, requested over the phone in your behalf by Mr. Watkins.

No. 2244 is not in the general file, but appears to have been taken out and placed in a special file, which is not immediately accessible. The clerk advises me that he will secure it for you after the committee adjourns this morning and that you shall have it in time for your afternoon session.

Very truly, yours,

LEE S. OVERMAN, *Chairman.*

P. S.—Will you kindly return these for our files as soon as you are through with them, as we may need them at any time.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
August 22, 1913.

Hon. FINIS J. GARRETT,
Chairman, etc., House of Representatives.

MY DEAR MR. GARRETT: Recurring to your request of this morning, I beg to inclose you herewith our No. 2244–2245 (two sheets) containing the so-called black list.

As you may have noted from the hearings before this committee, this exhibit has been the subject of a good deal of testimony and is deemed quite important, and I will be greatly obliged, therefore, if you will kindly give directions that it be carefully preserved and returned to us at the earliest convenient opportunity.

Very truly, yours,

A. J. CLOPTON,
Clerk Subcommittee.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
August 25, 1913.

Hon. FINIS J. GARRETT,
Chairman Select Committee, House of Representatives.

MY DEAR MR. GARRETT: In compliance with the request of Mr. Riddell, the clerk of your committee, over the phone this afternoon, I beg to inclose you our file No. B259 of the Mulhall correspondence, being a letter of introduction, dated March 18, 1912, from James A. Emery, Washington, D. C., for Colonel Mulhall, to Frederick W. Job, 832 Marquette Building, Chicago, Ill.

When you have finished with the letter kindly return it to us for our files, and oblige.

Yours, very truly,

A. J. CLOPTON,
Clerk Subcommittee.

The CHAIRMAN. Now, I want to read this one just received under date of August 26, 1913 [reading]:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
August 26, 1913.

Hon. FINIS J. GARRETT,
Chairman House Lobby Investigating Committee,
House of Representatives.

MY DEAR MR. GARRETT: I am in receipt of your letter of this morning delivered by special messenger, requesting copies of certain original documents supposed to be in our files of the Mulhall correspondence. The slip which Mr. Mulhall testified Mr. McMichael handed him containing information about the Hughes eight-hour amendment to the sundry civil bill was never introduced in evidence, nor was it ever presented by Col. Mulhall during any meeting of this committee. The contents of the slip are quoted in our file No. 3779–3784, on page marked at the top "N J," and Mr. Mulhall testified in regard to it on pages 3280–3281, No. 33 of the hearings before this committee.

I am inclosing you the following originals alleged to be or testified to be from McMichael to Mulhall, some of which may be of interest along the line you desire:

No. 4287, July 26, 1911.
No. 4308, October 16, 1911.
No. 4336, January 22, 1912.
No. 4337, January 23, 1912.
No. 4338, January 24, 1912.
No. 4339, January 25, 1912.
No. 4340, January 26, 1912.
No. 4342–4344, January 26, 1912.
No. 4351, February 7, 1912.
No. 4354, February 9, 1912.
No. 4826 (without date).
No. 4827 (without date).
No. 4828 (without date).
No. 4829 (without date).
No. 4837 (without date).
No. 4838 (without date).
No. 4845, telegram dated October 14, 1911.

Very truly, yours, LEE S. OVERMAN, *Chairman.*

Mr. EASBY-SMITH. Will the committee indulge me just a moment so that I may look over these letters?

The CHAIRMAN. Yes, sir.

Mr. EASBY-SMITH. Col. Mulhall, I would now like to interrogate you concerning these black lists [handing papers to witness]. There appear to be three lists, one list in pencil and two lists on one sheet of paper, both in typewriting, but on the same sheet. I would like first to ask you about the typewritten lists. Will you turn to the typewritten lists?

Mr. MULHALL. Yes, sir [examining lists].

Mr. EASBY-SMITH. Read the first list, if you please.

Mr. MULHALL. Read this pencil list?

Mr. EASBY-SMITH. No; the first typewritten list.

Mr. MULHALL (reading): "Irvine L. Lenroot, Henry A. Cooper, Augustus P. Gardner, Herbert Parsons, William S. Greene, Victor Murdock, James T. McDermott, Champ Clark, and Gilbert N. Haugen."

Mr. EASBY-SMITH. Will you tell me the origin, if you know it, of that first list which you have just read?

Mr. MULHALL. I think it was a list, as I testified on the Senate side, handed to me by Mr. James E. Watson.

Mr. EASBY-SMITH. Do you know where the original is?

Mr. MULHALL. No, sir; I do not. This might be an original [indicating paper].

Mr. EASBY-SMITH. You mean the pencil one?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Well, read that and try to see if that was the original.

Mr. MULHALL (after examining pencil list). I think that originated—I think it might have originated from that, because I see where Mr. McDermott's name is scratched out.

Mr. EASBY-SMITH. In whose handwriting is the pencil list?

Mr. STAFFORD. If he knows.

Mr. EASBY-SMITH. If you know.

Mr. MULHALL. I have testified that as near as I can remember, part was in the handwriting of Mr. Childs, of the War Claims Committee, I believe, and the balance was in the handwriting of James E. Watson.

Mr. EASBY-SMITH. Point out, if you can, which is in the handwriting of Mr. Childs and which is in the handwriting of Mr. Watson.

Mr. MULHALL. This broad hand is Watson's, I think [indicating list].

Mr. EASBY-SMITH. Read the names which are in Mr. Watson's handwriting.

Mr. MULHALL (reading):

Gus. Gardner, Vic. Murdock, Morse, Lenroot, Nelson, and Haugen, Iowa.

Those are in Mr. Watson's handwriting.

Mr. EASBY-SMITH. Which are in the handwriting of Mr. Childs?

Mr. MULHALL. The balance of the list.

Mr. EASBY-SMITH. All the rest of the list?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. In whose handwriting is the name of James T. McDermott?

Mr. MULHALL. I should judge in Mr. Childs's.

Mr. EASBY-SMITH. On the pencil list?

Mr. MULHALL. Yes, sir. I said it was in Mr. Childs's, I should judge.

Mr. EASBY-SMITH. Now, then——

Mr. CLINE. How did Mr. Childs come to write that?

Mr. MULHALL. I think he wrote those names at somebody's suggestion.

Mr. EASBY-SMITH. Do you know at whose suggestion?

Mr. MULHALL. I am not just clear on that subject now.

Mr. EASBY-SMITH. You think that was the original of the typewritten list?

Mr. MULHALL. Yes, sir—I am not positive of that, but I think it was so that I might be able to read it quickly, and have it on hand, that I got that typewritten list.

Mr. EASBY-SMITH. Do you know where the typewritten list was made?

Mr. MULHALL. No, sir; I am not sure of that.

Mr. EASBY-SMITH. Take the second typewritten list and read that, if you please.

Mr. MULHALL (reading):

William Hughes, William B. Wilson, Thomas D. Nichols, George A. Pearre, and John L. Burnett.

Mr. EASBY-SMITH. Tell us the origin of that list.

Mr. MULHALL. That was the original list of the National Association of Manufacturers; that was the standing black list, in other words.

Mr. EASBY-SMITH. The standing black list. Where did you get it?

Mr. MULHALL. I got the names, I suppose, from the Washington office, and my information, I suppose I would help to make it up, or from information I gathered in my connection with the organization, and helped to make it up.

Mr. EASBY-SMITH. Mr. Mulhall, I observe here on the margin, written here on the typewritten list, "Written by Watson." Do you know in whose handwriting that is?

Mr. MULHALL. I believe that has been brought out on the Senate side; that is a note made by the newspaper people.

Mr. EASBY-SMITH. I notice that upon the pencil list the following names, written in pencil, are stricken out in pencil:

Henry S. Caulfield, eleventh Missouri; John W. Dwight, thirtieth New York; Joseph H. Gaines, third West Virginia, and James T. McDermott, fourth Illinois.

Do you know when and by whom these names were stricken off that list?

Mr. MULHALL. As near as I can remember, by Mr. Watson.

Mr. EASBY-SMITH. I believe the name of James T.——

The CHAIRMAN (interposing). Did you say the name of Mr. McDermott was stricken off that list?

Mr. MULHALL. Stricken off of that.

Mr. EASBY-SMITH. Together with the others I have read. That original writing, I believe, is Mr. Childs's writing, and the name of James T. McDermott is in Childs's writing?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And Mr. Watson struck them off?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. How comes it, Mr. Mulhall, that if that pencil list was the origin of the first typewritten list, that Mr. James T. McDermott is on that typewritten list?

Mr. MULHALL. That might have been put there by myself at the time that list was made up, either in 1908 or 1909, and at that time I was not particularly friendly to Mr. McDermott. I think it was before or after the Cannon rules fight, and Mr. Watson knew more about McDermott at that time than I did.

Mr. EASBY-SMITH. Oh, he did?

Mr. MULHALL. I think he did.

Mr. EASBY-SMITH. That was in what year?

Mr. MULHALL. I think it was in 1909, if I am not mistaken.

Mr. EASBY-SMITH. You think Mr. Watson was then working directly with Mr. McDermott?

Mr. MULHALL. I know I spoke to him frequently about McDermott, and he always told me McDermott was all right, and I think he took the list and scratched off that name.

Mr. EASBY-SMITH. I notice on this list——

The CHAIRMAN. Is there a date on that list?

Mr. EASBY-SMITH. No date on either list that I can find. It is written on the letterhead of the House Committee on War Claims. I notice on the pencil list the name of Thomas D. Nichols, tenth Pennsylvania, and I do not find him on either typewritten list. Why was he left off the typewritten lists?

Mr. MULHALL. That is too remote at the present time, Mr. Easby-Smith, for me to have it clear in my mind.

Mr. EASBY-SMITH. I notice the name of George A. Pearre on the pencil list; his name does not appear on this first list.

Mr. MULHALL. He was so well known, and the organization was so well known to be against Pearre that it was not necessary to have him on any list; they always pursued him until they put him out of business.

Mr. EASBY-SMITH. I notice the names on the typewritten list of Morse, Lenroot, and Nelson—that was Senator Nelson?

Mr. MULHALL. No, sir. That was Mr. Nelson, a Member of the House. That had nothing to do with the Senate.

Mr. EASBY-SMITH. Who is Morse?

Mr. MULHALL. Morse—I am not just clear on that subject at the present time. I know he was a Member of Congress.

Mr. EASBY-SMITH. Neither of these appear on either typewritten list. Do you know why?

Mr. CRIM. Now, I want to call the attention of the committee to the fact that in his last question he referred to these names as being on the typewritten list.

The CHAIRMAN. Will you read that question?

(The stenographer read the question, as follows:)

Mr. EASBY-SMITH. I notice the names on the typewritten list of Morse, Lenroot, and Nelson—that was Senator Nelson?

Mr. EASBY-SMITH. I should have said the pencil list. Among the names on the pencil list I observe those of Morse, Lenroot, and Nelson. Who is Mr. Nelson?

Mr. MULHALL. If I am not mistaken, he was Member of the House who was an insurgent at that time.

Mr. EASBY-SMITH. Do you know what State he was from?

Mr. MULHALL. My memory—I could find out for you. I have all those matters.

Mr. EASBY-SMITH. Now, can you tell me why neither Morse nor Nelson is on the typewritten list?

Mr. MULHALL. To the best of my memory I got out the typewritten lists—I changed them because I did not know but that there might be objections by the National Association of Manufacturers to having too many of them at a time. As a rule they took up two or three, and made an effort to go after them, two or three of them, and not too many at once.

Mr. EASBY-SMITH. I find on the pencil list the name of Mr. Ebenezer J. Hill, fourth Connecticut. It is not stricken out and it does not appear on either typewritten list. Do you know why he was left off?

Mr. MULHALL. I think you had better refer that to Mr. Watson. I am not clear on that subject.

Mr. EASBY-SMITH. As I understand, you prepared this typewritten list?

Mr. MULHALL. I might have had instructions in preparing it.

Mr. EASBY-SMITH. Did you have?

Mr. MULHALL. I am not sure of that. I will say I might have had.

Mr. EASBY-SMITH. I notice on the pencil list the name of Harry L. Maynard, second West Virginia, and that name does not appear on either typewritten list. Have you any explanation to make of that?

Mr. MULHALL. No, sir; I have not any at this date.

The CHAIRMAN. I have not been able to understand clearly about these black lists. There has been a great deal said about them. I have never yet been able to understand the order of those lists, whether or not they were all prepared about the same time or whether they were prepared at different times. I wish you would give us at this time your best information on that, your best recollection; that is all we ask.

Mr. MULHALL. My best recollection, what I can remember, is that the National Association of Manufacturers kept a list of those who were obnoxious to them, and prepared it at each session of Congress, or before Congress was over, so that they could get out and know where the field workers should commence. I would say I had standing orders in regard to such men as Pearre and Nichols and Wilson, and active members of the labor organizations.

Mr. RUSSELL. Hughes?

Mr. MULHALL. Hughes at all times, sir. I went after Hughes in 1904.

Mr. CLINE. How about Gardner?

Mr. MULHALL. John Gardner? I went after him in 1908 until he changed around.

Mr. STAFFORD. Mr. Gardner's name is not in any of these lists. Which Gardner are you talking about?

Mr. MULHALL. John J. Gardner, of the second New Jersey district.

The CHAIRMAN. Was there any connection between that manuscript list and the typewritten list? Were they prepared about the same time?

Mr. MULHALL. I am under the impression that I prepared that typewritten list for my own information, and I kept the other list among my papers.

The CHAIRMAN. How many of these so-called black lists are there, Mr. Easby-Smith?

Mr. EASBY-SMITH. There are three, apparently; two in typewriting, both on this sheet. The witness has testified that this [indicating] was the permanent black list of the National Association of Manufacturers—Hughes, Wilson, Nichols, Pearre, and Burnet—and that this typewritten list was made by him after receiving this pencil list.

Mr. MULHALL. That was the standing black list. Let me make that clear. That was the standing black list and the other, as I stated, was changed by Watson.

Mr. STAFFORD. To whom were those black lists furnished?

Mr. MULHALL. They were furnished to me by Watson—this pencil list.

Mr. STAFFORD. I mean the ones you had typewritten.

Mr. MULHALL. Well, I was to get a lot of information in relation to the card Members. I do not want to be—in relation to the active

Members; I would keep track of the Members, those they wanted to blacklist.

Mr. STAFFORD. What other purpose was there for this typewritten list?

Mr. MULHALL. They sent out letters to their districts, to keep posted, so that they might oppose those people in those districts and to do campaign work after they became obnoxious; to send field agents into the field after them.

Mr. STAFFORD. You were the only field agent ever sent into any districts?

Mr. MULHALL. I was in charge of the field.

Mr. STAFFORD. You were the gentleman who had charge of the field work?

Mr. MULHALL. Had charge of the field work under the Van Cleave administration, and virtually under the Cushing administration.

Mr. STAFFORD. From the Van Cleave administration on, you had full charge of the field work?

Mr. MULHALL. Yes, sir—no, sir. When Kirby came in it was taken out of my hands.

The CHAIRMAN. You may proceed, Mr. Easby-Smith, but confine your examination, if you will, as closely as possible to the matters affecting Mr. McDermott.

Mr. EASBY-SMITH. Mr. Mulhall, I want to be perfectly clear about this matter [handing paper to witness]. Do I correctly understand that the heavy handwriting, the thick handwriting, was the handwriting of Mr. Watson?

Mr. MULHALL. As near as I can remember.

Mr. EASBY-SMITH. And the light handwriting, the upper half of the first page and all of the second page, is the handwriting of Mr. Childs?

Mr. MULHALL. I think it is, sir.

Mr. EASBY-SMITH. And the name James T. McDermott, on the second page, is in the handwriting of Mr. Childs?

Mr. MULHALL. I am not sure of that. I think it is, as near as I can remember.

Mr. EASBY-SMITH. Not in the handwriting of Watson?

Mr. MULHALL. No, sir; I do not think it is, because I think Watson has scratched it out.

Mr. EASBY-SMITH. Yes. I notice on the pencil list the figures "1908." Do you remember who wrote them there?

Mr. MULHALL. I am not positive of that. You can look at the list. I am not clear.

Mr. EASBY-SMITH. I call you attention to the words "1908, permanent black list," also on the typewritten list. Tell me, if you can, who wrote those dates on both papers."

Mr. MULHALL. I would like to see the papers.

(The papers were handed to the witness.)

Mr. CRIM. The question is, Do you know in whose handwriting the figures are?

Mr. MULHALL (after examining paper). I could not state.

Mr. EASBY-SMITH. Do you know who wrote them there?

Mr. MULHALL. It might be the newspaper people.

Mr. EASBY-SMITH. Were you present when that was written on there?

Mr. MULHALL. No, sir; I was not.

Mr. EASBY-SMITH. Are you quite sure Mr. Watson struck McDermott's name off of that list?

Mr. MULHALL. Only according to my best memory. I would not be sure of it. When I handed him the list written by Childs he scratched those out.

Mr. EASBY-SMITH. Would it refresh your recollection to refer to your testimony before this committee that Mr. Watson put that name there, and he put it there by mistake?

Mr. MULHALL. Put whose name there?

Mr. EASBY-SMITH. Mr. McDermott's name.

Mr. MULHALL. I think I had the name there by mistake, and Mr. Watson told me it was a mistake.

Mr. EASBY-SMITH. You do not think that Mr. Watson put it there by mistake?

Mr. MULHALL. I do not believe that he did.

Mr. EASBY-SMITH. I now call your attention, Mr. Mulhall, to one of the McMichael slips, which is in pencil and reads:

On the motion to go into the Committee of the Whole Mr. Cox voted, as the Record, on page 7669, will show.

Will you state whether or not that is in Mr. McMichael's handwriting [handing paper to witness]?

Mr. MULHALL (examining paper). As near as I can judge; yes, sir.

Mr. EASBY-SMITH. And you received that from Mr. McMichael?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. I read the following:

On the Kendall amendment there was no record vote; only a division was called for; but Mr. Cox was on the floor all the time.

Do you know to what the Kendall amendment referred?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Tell us, if you please.

Mr. MULHALL. I know, because I found here a list they made up of Mr. Kendall. They hunted him up; they hunted up his record at that time. You can have one of them, Mr. Easby-Smith [handing paper to Mr. Easby-Smith]; that is, with the permission of the committee. I beg your pardon. This is a record—this is Mr. Kendall's record——

Mr. EASBY-SMITH. Wait a minute; let us get the answer to this other question.

Mr. MULHALL. I will state it as near as my recollection serves me, because I know they hunted up Mr. Kendall's record. When the Hughes amendment was offered by Mr. Kendall, they expected Mr. Hughes to offer it on the floor, but Mr. Kendall rose in his seat and offered the amendment to the sundry civil bill.

Mr. EASBY-SMITH. When did you get up this information about Mr. Kendall?

Mr. MULHALL. I think it was right after that. That date.

Mr. EASBY-SMITH. When did you write this paper?

Mr. MULHALL. That paper has been written for years, if I am not mistaken.

Mr. EASBY-SMITH. And the carbon copy of it also?

Mr. CRIM. One minute. Which paper?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That paper in your hand has been written for several years?

Mr. MULHALL. Yes, sir; I think it has.

Mr. EASBY-SMITH. Let me see it, please.

Mr. MULHALL. I will save you some time, because I am as young as you are, and I will carry it to you.

Mr. EASBY-SMITH. Very well, sir. [Witness hands paper to Mr. Easby-Smith.] Now, one of these papers appears to be an original, and one is a carbon copy?

Mr. MULHALL. Well, I gave some of those away, I believe I gave one of those to the press here the other day, so there were quite a number of carbons.

Mr. EASBY-SMITH. You say they have both been written for several years?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, tell us if you please, having referred to the particular amendment, when it was that you got the information from Mr. McMichael?

Mr. MULHALL. It was about two weeks, as near as I can remember, before they reached that period in the bill—or at least 10 or 12 days before they reached that period.

Mr. EASBY-SMITH. Yes; now do not let us misunderstand one another. You received this pencil memorandum from Mr. McMichael, the pencil memorandum which I have just showed you, and which I now hold in my hand, from Mr. McMichael 10 days or two weeks before the Hughes amendment?

Mr. MULHALL. No; I am talking about the part I have.

Mr. EASBY-SMITH. I am talking about this [indicating paper in Mr. Easby-Smith's hand]. I want to know when you got that?

Mr. MULHALL. If you will let me look at it again I may be able to refresh my memory [examining paper]. This was after the vote was taken upon that bill, or upon that measure, and I know there was—you will find among my correspondence, there was a letter from Mr. Kirby inquiring concerning Mr. Cox. Mr. Cox was the Democratic member from Dayton, Ohio, and Mr. Kirby has always been against him.

Mr. EASBY-SMITH. Now, what was your understanding as to whether Mr. Kendall or Mr. Hughes would present that amendment?

Mr. MULHALL. I had no understanding at all. I said my memory serves me that Mr. Kendall rose—that they expected Mr. Hughes to introduce the amendment on the floor, and while I was sitting in the gallery with Mr. Emery and Judge Davenport, Mr. Kendall rose in his seat and offered the amendment.

Mr. EASBY-SMITH. You were there when that happened?

Mr. MULHALL. Yes, sir; I was in the Speaker's gallery when it happened.

Mr. EASBY-SMITH. Is it possible, Mr. Mulhall, that this document, this pencil memorandum in Mr. McMichael's handwriting, which has been introduced, is the pencil memorandum which you have been testifying about concerning the Hughes amendment?

Mr. MULHALL. No, sir; there was another memorandum that Mr.——

Mr. EASBY-SMITH (interposing). There was another and distinct memorandum, was there?

Mr. MULHALL. Yes, sir. I do not believe it was in pencil. I believe it was in ink.

Mr. EASBY-SMITH. In handwriting in ink?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, from your memory, will you——

The CHAIRMAN (interposing). Pardon me a moment, Mr. Easby-Smith.

Mr. EASBY-SMITH. Yes, sir.

The CHAIRMAN. Is there some language on the back of that to which you wish to call attention, Mr. Crim?

Mr. CRIM. No; I simply wanted to ask the witness what his information was with regard to it. He says he knows nothing about it.

Mr. EASBY-SMITH. There is some handwriting here which says Mr. Kirby wanted to know how Mr. Cox, now governor, voted. Do you know whose handwriting that is?

Mr. MULHALL. No, sir; I do not.

Mr. EASBY-SMITH. You have just examined it?

Mr. MULHALL. I have just looked at it; yes, sir. I could not call it to mind. As I stated, I thought it might be some newspaper man's.

Mr. EASBY-SMITH. It is not in your handwriting?

Mr. MULHALL. No, sir; it is not in my handwriting.

Mr. EASBY-SMITH. I would like you to tell us, if you will, Mr. Mulhall, some other specific instance where Mr. McMichael or Mr. McDermott gave you any advance information about legislation.

Mr. MULHALL. Well, it continued right along through all those sessions we spoke about, either in his office or in the halls, where we met, or when I sent in for him, or when we met at Fritz Reuter's.

Mr. EASBY-SMITH. I will ask you to give any specific instance or instances.

Mr. MULHALL. It would be in his office or where we met at Fritz Reuter's weekly.

Mr. EASBY-SMITH. When I say specific information I mean what information did he give you as to any bill or measure in Congress besides the Hughes bill?

Mr. MULHALL. Well, he kept me informed on what was going on on the floor. I can not just recall the bills now, but if you will get the Congressional Records, or something like that, that will refresh my memory and I may recall the bill.

Mr. EASBY-SMITH. Can you now, after having testified before the Senate committee and before this committee, and after having seen the correspondence, name one single item of information given you by Mr. McDermott besides the Hughes amendment?

Mr. MULHALL. Will you give me the McMichael slips?

Mr. EASBY-SMITH. I will give them all to you; yes [handing papers to witness].

Mr. MULHALL. All right, sir; let me read them over [examines papers].

Mr. EASBY-SMITH. I want the question to cover either through Mr. McMichael or otherwise.

Mr. MULHALL. I will give you another instance that just came to my memory, that he kept complete track of the revision of the laws bill—the Moon bill.

Mr. EASBY-SMITH. And who kept you informed about that?

Mr. MULHALL. Mr. McDermott kept me informed about that matter and said he was trying to delay the bill upon the floor.

Mr. EASBY-SMITH. That is one instance?

Mr. MULHALL. Yes, sir; that is one instance.

Mr. EASBY-SMITH. Did he tell you how he was trying to delay it?

Mr. MULHALL. No, sir; he did not specifically say just how, but I think it was delayed upon occasions—I think Members would ask questions about it, or something like that.

Mr. EASBY-SMITH. Do you remember in what committee that measure was pending?

Mr. MULHALL. I think it was what they call the Committee on Revision of the Laws, and Mr. Moon was chairman of it at that time.

Mr. EASBY-SMITH. Do you remember any of the other members?

Mr. MULHALL. I do not remember the other members just now.

Mr. EASBY-SMITH. Did Mr. McDermott ever tell you that he saw Mr. Moon or any other member of that committee on that bill?

Mr. MULHALL. He never told me that he saw Mr. Moon, but he kept track of it on the floor.

Mr. EASBY-SMITH. Did he give you advance information concerning it?

Mr. MULHALL. Yes, sir. He kept track of the hearings, as it went along.

Mr. EASBY-SMITH. Is that the extent of the information that Mr. McDermott gave you about the Moon bill?

Mr. MULHALL. I can not recall all the details, but he gave me all the information we wanted.

Mr. EASBY-SMITH. Did he give you any advance information concerning the Moon bill—and by advance I mean information that could not be obtained by the general public?

Mr. MULHALL. He kept us informed, when the public had not got the Records before them. The Record was not printed until the next morning.

Mr. EASBY-SMITH. Give us an item which he gave you before it became public.

Mr. MULHALL. I do not know just what the items were in the revision of the laws bill; but if you will give me the bills, I will read the items out to you.

Mr. EASBY-SMITH. You do not recall anything? Now, leaving the Moon bill, will you state any other item of information regarding public affairs, whether legislation or otherwise, which Mr. McDermott gave you?

Mr. MULHALL. Yes, sir; concerning the eight-hour bill, or rather the efforts they were trying to make to get that out at different times.

Mr. EASBY-SMITH. What other information did he give you besides the Hughes amendment?

Mr. MULHALL. He kept track of the eight-hour bill and another bill I will give you, the Lloyd bill. He told me to get busy on the Lloyd bill.

Mr. EASBY-SMITH. The Lloyd bill?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. When did he tell you about the Lloyd bill; before it was introduced, or after it was introduced?

Mr. MULHALL. I testified on the Senate side, as near as I can remember—if you will get my testimony there I will give you that information.

Mr. EASBY-SMITH. No; I want you to tell us now.

Mr. MULHALL. If you will get my testimony——

Mr. EASBY-SMITH (interposing). I asked you a question, and I want an answer.

The CHAIRMAN. Yes, Mr. Mulhall, I think that question should be answered.

Mr. MULHALL. As near as I can, I will testify, but this gentleman is so positive about holding me down to a word, that it is hard for me to do that. And there is no man on earth that could get two words down together——

The CHAIRMAN. He asked you when that was, and I think you can answer that.

Mr. MULHALL. I believe it was in the winter session of 1911, when they commenced the fight on the Lloyd bill; but my report is there on that subject.

The CHAIRMAN. Now, my question was——

Mr. STAFFORD (interposing). What do you mean by the winter session of 1911?

Mr. MULHALL. I should judge the January and February months of the session.

Mr. STAFFORD. 1911?

Mr. MULHALL. Yes, sir—I am not sure of just the date, Mr. Stafford, whether it was—those sessions were in the hearings.

Mr. STAFFORD. I wanted to know which session.

Mr. MULHALL. Maybe I am wrong on that. I say that I got information, but I can not say whether it was in the spring or in the winter; but I got information from Mr. McDermott all during that session. But he wants one specific bill, and I am not giving him the dates.

Mr. STAFFORD. All I wish to have you specify is whether you mean December, 1911, or January, 1911.

Mr. MULHALL. I am not sure of the date, without seeing my report, but if you will hand me the report I will give you the date.

Mr. EASBY-SMITH. My question was whether or not Mr. McDermott gave you information about the Lloyd bill before it was introduced?

Mr. MULHALL. Well, I got it, before I knew anything about it, from Mr. McDermott, and I got it from Mr. McDermott before our office knew anything about it.

Mr. EASBY-SMITH. Will you state whether or not you know that Mr. McDermott gave you the information before or after the bill was introduced?

Mr. MULHALL. I can only state, as I have testified to now, that I got it from him before I knew anything about it; it was introduced in the Committee on Civil Service Reform.

The CHAIRMAN. Did you ever examine the Records to see when it was introduced?

Mr. MULHALL. No, sir; I never have.

Mr. EASBY-SMITH. Now, Mr. Mulhall, will you state any other item of advance information which you received from or through Mr. McDermott?

Mr. CRIM. Which you now recall.

Mr. EASBY-SMITH. Which you now recall or which you recalled during your testimony in the Senate committee; that you know anything about?

Mr. MULHALL. If you will let me have my notes; I am not just quick on the trigger; I am a little too old for that.

Mr. EASBY-SMITH. I want to know if you can tell this committee—that is the basis of the charge, Mr. Mulhall, that Mr. McDermott's corruption consisted in giving you advance and private information about pending legislation or prospective legislation. I want to know any single item that he gave you.

Mr. MULHALL. I have cited four instances.

Mr. EASBY-SMITH. The Moon bill, the Lloyd bill, the Hughes amendment—what else?

Mr. MULHALL. The Hughes amendment—he kept me posted, as I say—it was on the eight-hour bill, the labor bill; the standing of the Members in relation to the eight-hour bill.

Mr. EASBY-SMITH. What specific information did he give you in advance about the record of Members on the eight-hour bill?

Mr. MULHALL. That the Democrats were making an effort—Mr. Rainey and others—to get that bill out of committee.

Mr. EASBY-SMITH. Mr. Rainey and others were making an effort to get that bill out of committee. When did he tell you that?

Mr. MULHALL. That, as near as I can remember, was in the session, winter session, of 1909 and, I think, 1910.

Mr. EASBY-SMITH. January or December, 1909?

Mr. MULHALL. I can not specify without looking at my reports, at the moment.

Mr. EASBY-SMITH. Did anybody else know that Mr. Rainey and others were trying to get that bill out of committee?

Mr. MULHALL. I do not believe that they did at that time; no, sir.

Mr. EASBY-SMITH. Tell me any other instance.

Mr. MULHALL. Let me read my notes.

Mr. EASBY-SMITH. Yes; I will let you read anything.

Mr. CRIM. Now, if your notes or correspondence will refresh your recollection with regard to what information Mr. McDermott gave you, you are entitled to have them produced here.

Mr. MULHALL. Well, I can have them produced, then, right now.

Mr. EASBY-SMITH. You decline, as I understand, to name any instance, unless your entire record and correspondence is laid before you?

Mr. MULHALL. Entire——

Mr. CRIM (interposing). Do not answer that.

The CHAIRMAN. Wait a moment.

Mr. CRIM. It is a question where it is manifestly proper, when the man is interrogated with regard to these things that he is entitled to have all of his data before him.

The CHAIRMAN. I think that is true; but the witness has not yet answered the question put to him a few moments ago, just as the papers were handed over by you with that statement to him. Let

the stenographer read that question over—that long question of Mr. Easby-Smith's.

(Here the stenographer read the proceedings just had, as follows:)

Mr. EASBY-SMITH. I want to know if you can tell this committee—that is, the basis of the charge—Mr. Mulhall, that Mr. McDermott's corruption consisted in giving you advance and private information about pending legislation, or propective legislation. I want to know any single item that he gave you?

Mr. MULHALL. I have cited four instances.

Mr. EASBY-SMITH. The Moon bill, the Lloyd bill, the Hughes amendment; what else?

Mr. MULHALL. The Hughes amendment—he kept me posted, as I say—it was on the eight-hour bill—the labor bill—the standing of the Members in relation to the eight-hour bill.

Mr. EASBY-SMITH. What specific information did he give you in advance about the record of Members on the eight-hour bill?

Mr. MULHALL. That the Democrats were making an effort—Mr. Rainey and others—to get that bill out of committee.

Mr. EASBY-SMITH. Mr. Rainey and others were making an effort to get that bill out of committee. When did he tell you that?

Mr. MULHALL. That, as near as I can remember, was in the session, winter session, of 1909 and, I think, 1910.

Mr. EASBY-SMITH. January or December, 1909?

Mr. MULHALL. I can not specify without looking at my reports, at the moment.

Mr. EASBY-SMITH. Did anybody else know that Mr. Rainey and others were trying to get that bill out of committee?

Mr. MULHALL. I do not believe that they did at that time; no, sir.

Mr. EASBY-SMITH. Tell me any other instance?

Mr. MULHALL. Let me read my notes.

Mr. EASBY-SMITH. Yes; I will let you read anything.

The CHAIRMAN. All right. Does the reading of those notes refresh your recollection? Can you give us any information now?

Mr. MULHALL. I do not want to delay the committee, Mr. Chairman. If you will let me have the notes when the committee adjourns I will go over them. I will answer as near as I can from memory now, if you wish to hurry it, but it will take some time to read the notes.

Mr. CRIM. Go through the notes carefully, this is an important matter. Go through anything else that refreshes your recollection.

The CHAIRMAN. Yes. We will take a recess here and give the witness an opportunity to examine these notes.

Mr. MULHALL. Can I take them in my charge, Mr. Chairman?

The CHAIRMAN. Yes; you may take them and examine them.

Mr. MULHALL. All right; thank you.

(Whereupon, at 12.52 p. m., the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS

The committee reassembled at the expiration of the recess.

Mr. EASBY-SMITH. Have you examined those notes during the recess, Mr. Mulhall?

Mr. MULHALL. Yes, sir; I have, and I find that pretty nearly all of it is of date after I had left the organization; dates later than I was employed by that organization, and they give very little information; and I know it is only a small part of the notes that Mr. McMichael submitted to me, or sent to me.

Mr. EASBY-SMITH. Did you have, when you testified before the Senate committee, the memorandum which you say Mr. McMichael gave you, containing the advance information concerning the Hughes amendment?

Mr. MULHALL. No, sir; I did not; not to my knowledge.

Mr. EASBY-SMITH. Did you then have it in your possession?

Mr. MULHALL. No; it was in the possession of the New York World.

Mr. EASBY-SMITH. Do you know what has become of it?

Mr. MULHALL. I do not know, sir—I will say——

Mr. EASBY-SMITH (interposing). Have you, or your counsel. been able to find the documents which were requested the other day by a member of the committee?

Mr. MULHALL. My counsel answered that.

Mr. EASBY-SMITH. Will you and your counsel endeavor to find and obtain from the New York World, or wherever else it may be, this memorandum given to you by Mr. McMichael?

Mr. MULHALL. If it is not in—I would like to ask the gentleman if it is in the printed list?

Mr. EASBY-SMITH. So far as I have been able to ascertain it is not, and I think the chairman of this committee has stated that it is not, and the chairman of the Senate committee has stated that it was never introduced before that committee.

The CHAIRMAN. The chairman of this committee stated that, upon the authority of the chairman of the Senate committee.

Mr. EASBY-SMITH. Yes, sir.

The CHAIRMAN. I, personally, have not examined the confidential print—at least, I do not think so; and I would not be willing to state positively that it is not in the Senate print; but the chairman of the Senate committee—the letter was read here this morning—has stated that.

Mr. EASBY-SMITH. Yes, sir. Has the New York World, or the Chicago Tribune, or any person, so far as you know, any original papers, carbons, or other, of your records?

Mr. MULHALL. I could not say that for a positive fact, because I went over to the World some three weeks ago, and I found some papers which were over there in a side drawer, which Mr. Seibold had, and I asked Mr. Seibold for them, and finally got them, and maybe those papers have been distributed around the room.

Mr. EASBY-SMITH. What have you done with those papers that you got from Mr. Seibold?

Mr. MULHALL. I gave them to the Senate committee. They were papers relating to the National Council for Industrial Defense, and all papers of that stripe.

Mr. EASBY-SMITH. Have you, Mr. Mulhall, extracted from among your files, and suppressed, any papers in the manner in which you stated it was your purpose to do?

Mr. MULHALL. Positively no, sir. Since I have left, in this intermission, why, I had a telephone message from my house, that they have found another telegram from Mr. McDermott of a late date—while I was in the service.

Mr. EASBY-SMITH. They are going to send that to you, are they?

Mr. MULHALL. I have asked them to send it over, and other letters to show that I was in Chicago until the 18th—correspondence——

Mr. EASBY-SMITH. You have had correspondence to that effect, have you?

Mr. MULHALL. I have had correspondence with friends while I was out there; yes, sir.

Mr. EASBY-SMITH. And you are going to produce that, are you?

Mr. MULHALL. I will try. I will hunt it up.

Mr. EASBY-SMITH. I hope that you will produce it.

Mr. MULHALL. I will try to produce it—and if I do not produce it, I will get the records from the hotel where I stopped. I do not propose to let you get away so easily from the statements you made.

Mr. EASBY-SMITH. We have summoned the hotel people, Mr. Mulhall.

Mr. MULHALL. All right, I am glad you have.

Mr. EASBY-SMITH. Mr. Mulhall, the first day you were here, you stated to the committee that if you were given a few days, you would go through your files, and produce other papers, if you found any, which might have any bearing upon the matter of your exposé. Have you made such a search?

Mr. MULHALL. I brought over at one time since then, I believe, about 400 extra letters, but I do not know whether the search has been complete or not.

Mr. EASBY-SMITH. What have you done with them?

Mr. MULHALL. I turned them over to the Senate committee and they are in the print here.

Mr. STAFFORD. No; I believe those letters were turned over prior to the time we released you, and you said you would go over and examine your files very thoroughly.

Mr. MULHALL. I do not know whether that was before or after that time, Mr. Stafford, because I know the Senate committee—Mr. Garrett met me on the street Friday before I came over here; I was engaged all that Saturday with the committee, and then the Senate committee instructed me to go over, and thoroughly go over, my files, and on that occasion I brought over those additional letters—no; I believe that was just before I appeared before this committee.

Mr. STAFFORD. Yes; they were printed on August 4. Your statement to this committee was subsequent to that. Have you made another search of your files since that time?

Mr. MULHALL. I am making a search at the present time.

Mr. STAFFORD. Have you discovered, during that search, any papers bearing upon these matters?

Mr. MULHALL. I have not had the time to make a complete search myself. I could not say whether I have or not. I know I have not discovered any more myself, except the phone message that I got at noontime.

Mr. STAFFORD. About a telegram from Mr. McDermott?

Mr. MULHALL. A telegram, and I believe some other letters pertaining to the Chicago matter. That is correspondence between friends—outside of the members of my family.

Mr. EASBY-SMITH. Now, I understand you, during the recess, have examined the papers, and you are not, from that examination, able to

tell any other instance in which Mr. McDermott, either directly or through Mr. McMichael, gave you any advance information?

Mr. MULHALL. I would, maybe, stretch my memory a little bit further and say that Mr. McDermott kept me posted on any injunction matters in which there were bills before the Senate or House at all times.

Mr. EASBY-SMITH. Tell us the information he gave to you about injunction measures.

Mr. MULHALL. About where the bills were.

Mr. EASBY-SMITH. Did he give you any information which the general public did not have access to?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Give us an instance.

Mr. MULHALL. Well, as I stated, I can not just give the bill without referring to my letters. If you will give me the letters, I will give you the instance and dates.

Mr. EASBY-SMITH. You do not recall it otherwise?

Mr. MULHALL. Otherwise, no; I can not definitely recall it. You asked me before I went to dinner as to who had that money that I did not bring to Chicago. If you wish, I will give you the date now.

The CHAIRMAN. I think, perhaps, the committee ruled on that, and the effect of the ruling was that the committee was not interested in that.

Mr. MULHALL. Well, I only wanted to satisfy the curiosity of the gentleman.

Mr. EASBY-SMITH. I have no curiosity, Mr. Mulhall; I simply wanted to bring out the facts. Now, I want to follow up the information that you got from Mr. McDermott, because I consider that the gravamen of this charge. You have testified before this committee that the first overt act helpful to the National Association of Manufacturers committed by Mr. McDermott was at the winter session of 1910. Tell me, if you please—or tell the committee—what was that first overt act.

Mr. MULHALL. Well, the first that I have got a record of is that Hughes amendment.

Mr. EASBY-SMITH. That came in June, 1910.

Mr. MULHALL. I believe it did, sir.

Mr. EASBY-SMITH. By the way, Mr. Mulhall, referring to that at this moment——

Mr. MULHALL. Well, I won't confine myself to that alone. I think there are other slips dating prior to that.

Mr. EASBY-SMITH. Well, if that was the first overt act, tell me what the first overt act was?

Mr. MULHALL. Give me my letters and I will be more explicit.

Mr. EASBY-SMITH. You will not state except from your own letters?

Mr. MULHALL. No, sir; my mind might not be clear on it.

Mr. EASBY-SMITH. Now, referring to the letter of June 4, 1910, in which you state information was given you by a prominent Democrat from Maryland, and concerning which you now say that was a mistake and it was Mr. McDermott, I will see if I can refresh your recollection on that point and see if we can get straight on it. Mr. McMichael has testified that you did not meet Mr. McDermott except in the meeting of January, 1909, when he abused Mr. Van

Cleave; that you did not meet Mr. McDermott until after Mr. McDermott came back from Chicago to Congress after the primaries of 1910. The primaries of 1910, I will state for your information, were September 15, 1910, and Mr. McDermott returned to Congress in December, 1910. That is Mr. McMichael's testimony. Your own first testimony in this case, and also before the Senate committee, was that you met Mr. McDermott after the primaries of 1910. Now, if that is true——

Mr. MULHALL (interposing). You read my testimony before the Senate committee before you make that statement.

Mr. EASBY-SMITH. Well, I will not read it now.

Mr. MULHALL. Well, then, you are wrong.

The CHAIRMAN. Wait a minute; let him ask the question, please, Mr. Mulhall.

Mr. EASBY-SMITH. And you have also testified before this committee that the first meeting with Mr. McDermott was at the dinner at Fritz Reuter's, December 29, 1910——

Mr. MULHALL (interposing). I did not.

Mr. EASBY-SMITH. Now, then, having refreshed your recollection as to those facts, I refer again to the letter written June 4, 1910, some six or seven months prior to that first meeting, and ask you if, that being the date—June 4, 1910—you still adhere to your statement that by the "prominent Democrat from Maryland" you meant Mr. McDermott?

Mr. CRIM. Wait a moment. I think he ought to be confronted with the testimony showing that he did state that it was at Fritz Reuter's on a particular date and that the other was a particular date, and so on.

Mr. EASBY-SMITH. The committee will remember that I read that testimony to him verbatim on yesterday.

Mr. CRIM. Read it to him again.

Mr. EASBY-SMITH. I do not think the committee wants its time wasted.

Mr. CRIM. We do not want to assume anything here.

The CHAIRMAN. Yes; it seems to me that we have been over that very frequently, Mr. Easby-Smith.

Mr. EASBY-SMITH. I read it to him, Mr. Chairman.

Mr. CRIM. Wait a moment.

Mr. EASBY-SMITH. I am asking him this, Mr. Chairman; all I want is the facts.

The CHAIRMAN. It seems to me that you are asking substantially what you have asked before.

Mr. EASBY-SMITH. Well, I have not asked this question of him. I have read this testimony of himself and Mr. McMichael to see if I can refresh his recollection, then I have called his attention to the fact that this letter, in which he claims to have received from Mr. McMichael a communication—which can not now be discovered—if, with those facts before him, the testimony of Mr. McMichael before him, he still adheres to the statement that the man from Maryland mentioned in his letter as having given him information about the Hughes amendment, was Mr. McDermott.

The CHAIRMAN. Well, I think you might answer, if you know, or if you remember, Mr. Mulhall.

Mr. MULHALL. There is one——

Mr. CRIM (interposing). Wait a moment. Be sure you have the question in mind.

Mr. MULHALL. I know what one part of his question is, and I did not so testify before the Senate committee.

Mr. EASBY-SMITH. Well, then, we will eliminate that. I will refresh your recollection——

Mr. MULHALL. But he states——

Mr. EASBY-SMITH (interposing). And confine yourself to Mr. McMichael's testimony.

Mr. MULHALL. I know nothing about Mr. McMichael's testimony.

Mr. EASBY-SMITH. And the date of the Chicago primaries, September, 1910.

Mr. MULHALL. Was Mr. McMichael positive of those dates?

The CHAIRMAN. Just a moment, Mr. Mulhall. We really have no evidence in the record, so far as I know, that the Illinois primaries were in September. That is a fact, is it Mr. Easby-Smith?

Mr. EASBY-SMITH. That is a fact. I will prove it, Mr. Chairman.

The CHAIRMAN. And were there any elections in the spring of 1910 there, of any character?

Mr. EASBY-SMITH. Only the local aldermanic elections.

Mr. STAFFORD. Well, as I remember, I am not a resident of Illinois, but during the summer of 1910 the legislature was in session and one of the prior laws fixing the primaries in August was declared unconstitutional, I believe.

Mr. MCDERMOTT. That is an amendment.

Mr. EASBY-SMITH. At any rate, the primaries of 1910 were held on the 15th of September, and the primaries of 1912 on the 9th day of April; that is the fact.

Mr. STAFFORD. But in July the law, as it then stood, was to have the primaries held in August.

The CHAIRMAN. Well, now, if we can get that question read over, so that the witness can understand clearly what it is—or perhaps you might restate it, Mr. Easby-Smith, and it will save the reading over of several questions.

Mr. EASBY-SMITH. If it is a fact, Mr. Mulhall, that the September primaries, the Chicago primaries, Mr. McDermott's primaries, in the year 1910 were on the 15th of September—are you listening now, Mr. Mulhall; you seemed to be speaking to your counsel?

Mr. MULHALL. I am listening to you.

Mr. EASBY-SMITH. If Mr. McDermott's primaries in 1910 were on the 15th of September, and he returned to Congress in December, 1910, and Mr. McMichael's recollection is that you first met him after that, I ask you do you still, with those facts in your mind, adhere to the statement that the information given you, as related by you in your letter of June 4, 1910, was given to you by Mr. McDermott instead of by a prominent Democrat of Maryland?

The CHAIRMAN. That is purely a hypothetical question, based upon certain statements concerning what Mr. McMichael's testimony is. I will say, very frankly, at the present moment, Mr. Easby-Smith, it does not agree with my recollection of what Mr. McMichael testified to. I do not think he testified to that, as I understood him.

Mr. EASBY-SMITH. I will read his testimony.

The CHAIRMAN. You are speaking about Mr. McDermott's first meeting?

Mr. EASBY-SMITH. Yes, sir; he did testify—I have it right here.

The CHAIRMAN. All right, go ahead, Mr. Easby-Smith.

Mr. EASBY-SMITH. I will pass it, if you can not answer that.

Mr. FERRIS. Mr. Chairman, I would like to know the answer to that question myself. It becomes important.

The CHAIRMAN. Yes, I think so.

Mr. FERRIS. If it did relate to Mr. McDermott, and assuming that Mr. McDermott is in the rolê of a defendant, he has the right to know and the committee has a right to know whether or not, as a matter of fact, he did refer to it. The inference in the question is that there is some imputation against him.

The CHAIRMAN. I think you are quite right about it; I am not ruling it out, but on the contrary I said he might go ahead.

Mr. FERRIS. I understood you. But Mr. Easby-Smith suggested passing it.

Mr. EASBY-SMITH. All right; answer it if you can, Mr. Mulhall.

Mr. MULHALL. I will say to the gentleman I know I was active with Mr. McDermott. Mr. McDermott gave me information through the winter of 1910—January, February, March, and up to the spring—and I had reference there to Mr. McDermott at that time in that report.

Mr. EASBY-SMITH. Now, you have also stated that Mr. McDermott told you what Mr. Gallagher, Mr. Cary, Mr. Wilson, Mr. Buchanan, Mr. Talbott, and Mr. Gill were going to do in regard to labor measures. Please tell us what Mr. McDermott told you each of those gentlemen said, beginning with Mr. Gallagher.

Mr. MULHALL. I could not go into the details at this time without my report.

Mr. EASBY-SMITH. As to Mr. Cary?

Mr. MULHALL. I will answer the same way.

Mr. EASBY-SMITH. Mr. Wilson?

Mr. MULHALL. The same answer. Take my reports and get the details from them.

Mr. EASBY-SMITH. Mr. Buchanan?

Mr. MULHALL. I might say Mr. McDermott—I think that refreshed my memory a little bit—stated he wanted to get active against Mr. Buchanan in 1910.

Mr. EASBY-SMITH. What information did he give to you that came from McDermott? That is my question.

Mr. MULHALL. I am not just clear on that without the reports.

Mr. EASBY-SMITH. Mr. Talbott?

Mr. MULHALL. I have already testified about Mr. Talbott.

Mr. EASBY-SMITH. You got the information yourself from Talbott on the train?

Mr. MULHALL. No, sir; I did not get the information from Mr. Talbott.

Mr. EASBY-SMITH. Very well; what information——

Mr. MULHALL. I asked Mr. McDermott at different times to interview friends or members of the Maryland delegation and bring all the information, if he could get any information.

Mr. EASBY-SMITH. Did he bring you any information from Mr. Talbott?

Mr. MULHALL. I think he did.
Mr. EASBY-SMITH. What was it?
Mr. MULHALL. I could not say just now.
Mr. EASBY-SMITH. Mr. Gill?
Mr. MULHALL. Along the same lines—to find whether he was friendly on certain measures or not.
Mr. EASBY-SMITH. What information did he bring you from Mr. Gill?
Mr. MULHALL. I have answered about Mr. Gill; what Mr. McDermott said as to how he would stand on labor measures—injunction measures and the eight-hour measure.
Mr. EASBY-SMITH. Did he ever tell you how Mr. Gill would stand on any measure?
Mr. MULHALL. Yes, sir; I think he did.
Mr. EASBY-SMITH. Which one?
Mr. MULHALL. I think I said on the eight-hour bill.
Mr. EASBY-SMITH. How did he state he stood on that?
Mr. MULHALL. I think Mr. Gill was friendly to him.
Mr. EASBY-SMITH. Friendly to you?
Mr. MULHALL. Friendly to——
Mr. EASBY-SMITH. The National Association of Manufacturers?
Mr. MULHALL. Yes, sir.
Mr. EASBY-SMITH. Did Mr. McDermott tell you that?
Mr. MULHALL. I think he did.
Mr. STAFFORD. Did you have any other means of getting the attitude of Mr. Gill toward this legislation other than what Mr. McDermott told you?
Mr. MULHALL. I might get it through the Baltimore politicians.
Mr. STAFFORD. Who would they be?
Mr. MULHALL. Well, I know pretty near the entire membership of the machine over there—both machines, in fact.
Mr. STAFFORD. Would those members of the Baltimore machines be following up the attitude of a Member of Congress from the fourth district of Maryland?
Mr. MULHALL. Well, I had some letters from Mr. Gill, I mean from his committee, asking for my support—I believe a circular letter, or something like that.
Mr. STAFFORD. From whose committee?
Mr. MULHALL. Mr. Gill's committee; 1910 and 1912, both—I mean 1910; eight to ten.
Mr. STAFFORD. I am trying to find out whether you could ascertain Mr. Gill's attitude on labor measures from any source other than Mr. McDermott?
Mr. MULHALL. I could if I asked it. I think I did. I tried to keep in touch with what was going on in both organizations, and I would ask on certain measures as to who supported them.
Mr. STAFFORD. Did you interrogate him?
Mr. MULHALL. No, sir; I did not.
Mr. STAFFORD. You never spoke to him about his attitude on any labor measures?
Mr. MULHALL. No, sir; I do not think I did.
Mr. EASBY-SMITH. Concerning your several meetings at Fritz Reuter's with Messrs. McMichael, McDermott, and others, you re-

lated you were never under the influence of liquor, but the crowd would get drunk, etc.

Mr. MULHALL. I would say yes, they did.

Mr. EASBY-SMITH. Did Mr. McDermott get drunk?

Mr. MULHALL. I should say he was pretty well loaded.

Mr. EASBY-SMITH. What did he drink, Mr. Mulhall?

Mr. MULHALL. As a general rule, he took what was called a stick, one of those tall glasses of beer—Pilsner.

Mr. EASBY-SMITH. Would you say he drank anything except beer?

Mr. MULHALL. I think he did. I think he drank liquor a few times.

Mr. EASBY-SMITH. Did you ever see him drink liquor?

Mr. MULHALL. I would not be clear on that; but I know liquor was always around the table.

Mr. EASBY-SMITH. You never saw him drink anything but beer?

Mr. MULHALL. I am not positive as to that.

Mr. EASBY-SMITH. As to Mr. McDermott's visit to Baltimore, I understood you to say he looked over about a dozen letters, but principally in relation to breaking strikes, etc.

Mr. MULHALL. I think in relation to the tariff question, and, as I testified, the Sherman and Taft letters.

Mr. EASBY-SMITH. Now, there was a telegram exhibited the other day, about February 17, 1912, in which Mr. McMichael told you that he and Mr. McDermott were coming to Baltimore the next day. You stated that if the next day was Sunday, that that was the time Mr. McDermott came there. I have consulted the calendar, and I can state now that the day following that telegram was Sunday. So, are you pretty sure, now, that was the date on which Mr. McDermott came over there?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That was February 18, and not in December, as you first testified?

Mr. MULHALL. In what year—1912?

Mr. EASBY-SMITH. 1912; not in December, 1911, but in February, 1912.

Mr. CRIM. When did he testify it was in December?

Mr. EASBY-SMITH. He testified that before this committee.

Mr. MULHALL. Read it, please. I would like to have you find that date, just now, for my knowledge.

Mr. EASBY-SMITH. I am not going to take the time to look for it.

Mr. MULHALL. Mr. Chairman, I would like to hold the gentleman to that date.

The CHAIRMAN. One moment. The telegram is dated, and shows the date.

Mr. EASBY-SMITH. Yes; and in his testimony which I have taken from the record he said that Mr. McDermott was in Baltimore the day following the receipt of that telegram, if that day was Sunday, that was the day McDermott came over there, and that this was December, 1911. But I do not care anything about that; I am trying to fix the date. The date was, in fact, about the middle of February, 1912?

Mr. MULHALL. You have the telegram in front of you; I have not. Maybe you are right. I would like to have you fix up the date where you say I have testified.

Mr. EASBY-SMITH. It is in here.

Mr. MULHALL. All right; it is.

Mr. EASBY-SMITH. I do not care about that, Mr. Mulhall, but what I want to get at is this: At that time did you request Mr. McDermott to bring these matters to the attention of Mr. Gompers?

Mr. MULHALL. No. I asked Mr. McDermott, if I am not mistaken, to bring those matters before the House.

Mr. EASBY-SMITH. Did you at any time ask Mr. McDermott to bring the matters to the attention of Mr. Gompers?

Mr. MULHALL. I believe I had an interview with Mr. McDermott in relation to having Mr. Gompers and I get together.

Mr. EASBY-SMITH. And Mr. McDermott did bring that about, did he not?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And you submitted these matters to Mr. Gompers?

Mr. MULHALL. Just what matters have you reference to?

Mr. EASBY-SMITH. This exposé; this article.

Mr. MULHALL. I didn't submit any matters to him on that.

Mr. EASBY-SMITH. You submitted these matters to him, did you not?

Mr. MULHALL. I talked over the workings of the two organizations.

Mr. EASBY-SMITH. That is, the activities of the National Association of Manufacturers before Congress?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And that was brought about by Mr. McDermott?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. In response to and following his examination of those few letters at your house in February?

Mr. MULHALL. Yes, sir. Well, I am not just clear whether that was about—concerning—those letters, unless I get the dates and the letters, to clear my mind—whether that was the exact date or not.

Mr. EASBY-SMITH. Now, you have testified about some affidavits that Mr. McDermott had.

Mr. STAFFORD. Before you proceed with him, permit me to ask him just to elucidate this reference of his in a letter he addressed to Mr. Van Cleave, No. 3423, dated December 13, 1909, in which he refers to Mr. Gill. It says, "he," referring to Mr. Gill, "has supported every bill that we asked his aid upon, and has done many favors for me the last six years that I do not like to put upon paper."

Does that refresh your recollection as to whether you ever spoke to Mr. Gill on labor matters?

Mr. MULHALL. Direct on it? No, sir; I don't believe I ever spoke to Mr. Gill direct.

The CHAIRMAN. All right, Mr. Easby-Smith; you may proceed.

Mr. CLINE. I would just like to ask one question.

The CHAIRMAN. Certainly, Mr. Cline.

Mr. CLINE. Just one question. I notice, Colonel, that in a number of answers you have made here to the correspondence with Members and these interviews with Members, like the Gill incident, you say you did not have communication with them direct. Did you mean

by that that you had some other person interview them to find out their attitude on certain questions?

Mr. MULHALL. This organization had several means of finding out. They wrote letters to some Members to interview other Members. There are quite a number of that organization that were members of the organization in Maryland, and there are several organizations that were affiliated with the National Council for Industrial Defense; and I was always active in Maryland politics, and I had several ways of finding out there from labor circles as well as from business circles.

Mr. CLINE. Was it a part of your methods to have some friendly Member, like Mr. McDermott, or some one else who was in close communication with them, interview Members and report to you?

Mr. MULHALL. As a rule; yes, sir. I often got information in that way.

Mr. CLINE. And is that the reason you did not go direct to a Member and ask for yourself?

Mr. MULHALL. Maybe I seen a Member when he first came here. I suppose I interviewed Mr. Gill on the Tariff Commission business, and maybe one or two other matters of that kind. I won't say I have not seen the gentleman at all. I generally judged from those interviews with those gentlemen whether I would approach them later on or not.

Mr. CLINE. And then, if you thought you could not successfully approach them yourself, you sent some one?

Mr. MULHALL. Yes, sir.

Mr. CLINE. Is that the rule?

Mr. MULHALL. Yes, sir: that is the rule we generally used.

Mr. STAFFORD. What Members did you approach after your first interview with them—those you thought you could approach?

Mr. MULHALL. Well, there were a whole lot of Members active. I could approach at all times Mr. Gardner, Mr. Fassett, Mr. Dwight, and Mr. Watson. I frequently saw Speaker Cannon in his making out his committees. I was very friendly with Mr. Coudrey, with Mr. Southwick, and others.

Mr. STAFFORD. Those that you have mentioned are the ones you now recall?

Mr. MULHALL. Those are the ones I could approach and was friendly with and ask to get active. Mr. Sherman at all times when he was in the House side here—and he helped me frequently when he was on the Senate side—I could approach.

Mr. EASBY-SMITH. Now, taking up the matter of the affidavits, Mr. Mulhall. I think you referred to some affidavits which Mr. McDermott stole from you and was going to sell in Chicago. Who told you Mr. McDermott was going to sell these affidavits?

Mr. MULHALL. Mr. McMichael.

Mr. EASBY-SMITH. Did you know what he was going to sell them for?

Mr. MULHALL. I understood from Mr. McMichael he placed a high price on them, and tried to negotiate to get a high price for the papers.

Mr. EASBY-SMITH. Do you know to whom he was trying to sell them?

Mr. MULHALL. No, sir; I don't. My mind is not clear on that subject—just how it was.

Mr. EASBY-SMITH. Did you have an idea they would be of any value to anybody?

Mr. MULHALL. They would be of great value to me if I could get them back, and I guess I spent $300 in trips back and forth trying to get them back.

Mr. EASBY-SMITH. Would they be of any value to anybody besides you?

Mr. MULHALL. Yes; I think to the labor organizations, as soon as the McNamara matter started.

Mr. EASBY-SMITH. You think he might have tried to sell them to the labor organizations?

Mr. MULHALL. I don't know who he tried to sell them to, but he placed a great value on the papers. I would like to say to the committee that I would like to have these papers subpœnaed and have them brought here.

Mr. EASBY-SMITH. You are going to get them, Mr. Mulhall.

Mr. MULHALL. If I don't, I intend to go into the courts and have them brought here.

Mr. EASBY-SMITH. Now, Senate, part 36, page 3414, being No. 4355; a letter from Mr. McMichael to you:

FRIEND COLONEL: This letter will about reach you on your return from Pa. If you can make arrangements to come over here some day this week, I have had a long talk with Mc., and from what I can understand we can get the money to go to Chicago for him, as he is going to N. Y. and see McD. over there, and on his return we will be all right.

There is no need to say anything to him in regard to our talking to Ward in the Senate, as I explained this to him in this way. We were over there and had a talk, but did not do anything in the matter, only wanted to see what he would say. Did not say anything about the papers we left there, as it is best not.

What were the papers "we left there"?

Mr. MULHALL. Those were these affidavits.

Mr. EASBY-SMITH. Yes. And do you recall this talk you and Mr. McMichael had with Ward—"there is no need of saying anything to him in regard to our talking to Ward in the Senate"?

Mr. MULHALL. I have stated already; I have testified already that at the request of Mr. Hines, president of the Lumber Dealers' Association of Chicago, I submitted those letters to that committee, and Mr. McMichael kowing Mr. Ward, as I understood at that time, brought him over there, and I gave the letters, I believe, myself to Ward.

Mr. EASBY-SMITH. Have you any idea of the reasons why McMichael was advising you to keep some information away from Mr. McDermott?

Mr. MULHALL. Not a particle of reason. I don't know whether he had any reasons.

Mr. EASBY-SMITH. Do you know what the information was he wanted you to keep away from Mr. McDermott?

Mr. MULHALL. No, sir; my mind is not clear on that subject at the present time.

Mr. EASBY-SMITH. Do you know how these affidavits came into the possession of Mr. McDermott after they left the possession of Mr. Ward?

Mr. MULHALL. Only what Mr. McMichael has told me.

Mr. EASBY-SMITH. And that was he had given them to Mr. McDermott?

Mr. MULHALL. That he had brought them to the office—McDermott's office—to keep and send to me, and he was about to send them, and Mr. McDermott held them up.

Mr. EASBY-SMITH. Did McMichael ever tell you he had put those into a packing box of Mr. McDermott's with a lot of other papers, and they were shipped out to Chicago?

Mr. MULHALL. Not until a very recent date, because even before McMichael brought them here, before the exposé, I did try to get those papers.

Mr. EASBY-SMITH. But he did tell you that recently?

Mr. MULHALL. No; he didn't tell me then. In fact, I had met Mr. McDermott—I met him in Engel's saloon, and I had a sandwich and a glass of beer, and I asked him for the papers, and he at that time told me, I believe, that McMichael had them.

Mr. EASBY-SMITH. Mr. McDermott then told you McMichael had them?

Mr. MULHALL. Yes, sir; I went to see McMichael, and McMichael, I believe, went over to McDermott's office and pretended to look for the papers.

Mr. EASBY-SMITH. McMichael pretended to look for them?

Mr. MULHALL. Yes. He said he couldn't find them, and I hunted him up the next day.

Mr. EASBY-SMITH. Where did you see him the next day?

Mr. MULHALL. I believe at Engel's the next day.

Mr. EASBY-SMITH. Tell us what occurred at Engel's.

Mr. CLINE. I submit, Mr. Chairman, that the witness should have an opportunity to detail these matters without counsel interrupting him.

Mr. EASBY-SMITH. I did not intend to interrupt him; I was simply trying to bring it out.

Mr. CRIM. It seems to me, Mr. Chairman, that this matter is getting far away from the resolution. All this colloquy about the papers seems to be about the private and personal affairs between Mr. McDermott and Mr. Mulhall.

The CHAIRMAN. From the character of the description of those papers that has been given to the committee as to what they were, I am free to confess it has not made much of an impression on my mind as to their being very important. I do not know how it has impressed the other members of the committee, and consequently I have not felt disposed to try to curtail the examination about it.

Mr. EASBY-SMITH. They were statements made in line with other statements. I did not want to examine him at all, but simply wanted to bring out the facts.

May I ask him relating to the conversation?

The CHAIRMAN. Yes; relating to the conversation.

Mr. MULHALL. He didn't tell me at that time; but I believe maybe the next time he told me he had them in a cedar box at his home in Chicago, Ill.

Mr. EASBY-SMITH. And he told you he would send for them, didn't he?

Mr. MULHALL. He told me he would send for them, but——

Mr. EASBY-SMITH. Those affidavits——

Mr. MULHALL. Just let me finish, now, please.

Mr. EASBY-SMITH. I did not mean to interrupt.

Mr. MULHALL. You don't mean, but you do every time.

The CHAIRMAN. Wait a minute; the committee will endeavor to see you have an opportunity to finish.

Mr. MULHALL. I don't get it. This fellow butts in as if he is afraid I would state something he didn't want me to tell.

The CHAIRMAN. Go ahead and answer that question in your own way, to your own satisfaction.

Mr. MULHALL. He stated he had them in a cedar box, and I asked him to send for them, and he said he would. I told him he had had lots of time to send for them, and I would like to get them in the next few days, because they would be extremely useful to me. He said he would send. Then I went back and accused McMichael that he was not telling me the truth; that those papers were in Chicago, and he said he didn't know they were there. That is the first time McMichael told me those papers were in Chicago.

Mr. EASBY-SMITH. In the conversation at Engel's don't you remember talking with Mr. McDermott about Mr. Keeley, Mr. Jim Keeley, of the Chicago Tribune?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. And didn't you tell Mr. McDermott on that occasion that Jim Keeley, of the Chicago Tribune, told you he would give $1,000 to get a string on McDermott?

Mr. MULHALL. No, sir; I did not.

Mr. EASBY-SMITH. You did not?

Mr. MULHALL. That is ridiculous.

Mr. EASBY-SMITH. What did you say about Mr. Keeley?

Mr. MULHALL. I told him—I said there was a friend of mine that introduced me to Mr. Keeley; that there was a convention going on at that time about the "ads," and Mr. Keeley was in Baltimore. I told Mr. McDermott at that time I had been introduced to Mr. Keeley.

Mr. EASBY-SMITH. What did you tell him in regard to the conversation after you had been introduced to Mr. Keeley?

Mr. MULHALL. That is about all. We were talking about Chicago matters and about the ads.

Mr. EASBY-SMITH. And Mr. Keeley was here at that time?

Mr. MULHALL. He was in Baltimore at that time.

Mr. EASBY-SMITH. So that is all you said to him about Mr. Keeley?

Mr. MULHALL. I think it was.

Mr. EASBY-SMITH. Do you know whether or not Mr. Keeley had any connection with the World concerning these publications?

Mr. MULHALL. I know nothing at all about that; I have already testified to that.

Mr. EASBY-SMITH. Did those affidavits relate to your dismissal from the United States Secret Service in 1892?

Mr. MULHALL. No, sir; they did not.

Mr. EASBY-SMITH. I will ask you if those are the affidavits, Mr. Mulhall [producing papers]? I will state for your information that I have recently had a search made in Chicago and had them forwarded.

Mr. MULHALL. Mr. Chairman, I have got a book down in my room, and before you go into that I would like to produce that. I have been waiting for them, too.

The CHAIRMAN. His question is now whether those are the affidavits to which you refer, and you can examine them and reply to that question.

Mr. MULHALL (after examining papers). Yes, sir. Now, Mr. Chairman——

The CHAIRMAN. Wait a moment. Have you examined them now sufficiently to be sure that those are the papers?

Mr. MULHALL. That is part of them, anyhow.

The CHAIRMAN. Take your time and examine them fully.

Mr. MULHALL. It would take quite a long time, Mr. Chairman.

The CHAIRMAN. I mean examine them sufficiently to know and identify them and be positive about it.

Mr. MULHALL (after examining papers). Yes, sir.

Mr. EASBY-SMITH. Would you like them to go in the record, Mr. Mulhall?

Mr. MULHALL. Yes; you can put every particle of them in the record.

The CHAIRMAN. I do not know whether the committee wants them in the record or not.

Mr. CRIM. I have not had an opportunity to examine them and don't know anything about them—what is in the record.

Mr. MULHALL. I will say I got the record. This gentleman asked if these affidavits had anything to do with my dismissal from the Secret Service. I said, "No."

The CHAIRMAN. He asked the question, and you said, "No."

Mr. MULHALL. I say I wished to bring what I have got in my drawer, down in my room, from the Bureau—letters and papers showing why I was dropped from the service. I was not dismissed.

The CHAIRMAN. Colonel, there has not been anything said about your service in the Secret Service except a mere reference to the fact that at one time you were in the Secret Service. There has been nothing said about your dismissal, and I don't know that this committee is interested at all in that question.

Mr. MULHALL. This gentleman put it that way.

The CHAIRMAN. The question of how you left the Secret Service, or why you left it, or anything of that character, I do not know that that is going to be important at all. If it becomes important, of course you will be given an opportunity to present all the evidence. At present I do not think it has any importance and is not a matter we care to encumber our record with.

So far as the form of the attorney's question is concerned, that was his form. That is not binding upon the committee, and the committee will draw its own conclusion.

Mr. MULHALL. I would like to submit the letters to the committee.

The CHAIRMAN. Not now.

Mr. EASBY-SMITH. Mr. Mulhall, there are one or two other matters I desire to interrogate you about. There is a letter of introduction, which you addressed to Mr. Jarvis, introducing a Mr. Murphy to him. I would like you to relate the circumstances concerning the giving of that letter, as fully as you can remember. I

will find the letter for you in a moment. You may proceed. [After a pause.] It is in Senate part 35, page 3338, being letter 4195.

I will read the letter to you, Colonel, No; I won't take the time to read it, but it is a letter of introduction. [After a pause.] Now state, after reading it, if you can, the circumstances under which you gave that letter of introduction?

Mr. MULHALL. I was asked by Mr. McDermott—Mr. McDermott asked me to introduce Mr. Murphy here in Washington. He stated at that time he had in processs of building a flying machine that would not upset in the air, and he wanted letters of introduction to some business people in Connecticut.

Mr. EASBY-SMITH. Do you remember where that letter was written?

Mr. MULHALL. It was written here in Washington, apparently, by the date.

Mr. EASBY-SMITH. I know, but do you remember any interview preceding that letter?

Mr. MULHALL. Yes; I had several interviews with Mr. McDermott before I wrote this letter.

Mr. EASBY-SMITH. Do you remember meeting Mr. Murphy on the occasion of writing that letter?

Mr. MULHALL. I think I did.

Mr. EASBY-SMITH. And didn't you meet him in Mr. McDermott's office in this building?

Mr. MULHALL. I am not sure of that. I think I met Mr. Murphy three or four different places.

Mr. EASBY-SMITH. Do you remember discussing in Mr. McDermott's office, in this House Office Building, the giving of that letter to Mr. Jarvis?

Mr. MULHALL. I never gave the letter to Mr. Jarvis.

Mr. EASBY-SMITH. The letter to Mr. Jarvis—the giving of it to Mr. Murphy?

Mr. MULHALL. I think I gave it to Mr. Murphy.

Mr. EASBY-SMITH. You think you gave it to Mr. Murphy?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Do you remember whether Mr. Shaw was Mr. McDermott's secretary at that time?

Mr. MULHALL. I don't remember anything of the kind.

Mr. EASBY-SMITH. Who was?

Mr. MULHALL. I understood Mr. McMichael was.

Mr. EASBY-SMITH. Do you remember Mr. Shaw was in Mr. McDermott's employ at that time?

Mr. MULHALL. I could not say that for a fact. I never knew whether he was or not.

Mr. EASBY-SMITH. Do you remember whether he was, at all?

Mr. MULHALL. I have stated two or three times I was told by Mr. McMichael, I believe, that he had a young gentleman here that was folding papers.

Mr. EASBY-SMITH. In the office?

Mr. MULHALL. Yes.

Mr. EASBY-SMITH. Do you remember on the occasion of writing that letter that that young man was in Mr. McDermott's office?

Mr. MULHALL. I am not sure about that.

Mr. EASBY-SMITH. Are these the facts, Mr. Mulhall, that on that occasion Mr. McMichael then, in Mr. McDermott's office, for the first time, introduced you to Mr. McDermott? Is not that the fact, in Mr. Shaw's presence?

Mr. MULHALL. Nothing of the kind.

Mr. EASBY-SMITH. That is not true?

Mr. MULHALL. No; it is not true.

Mr. EASBY-SMITH. Mr. Mulhall, how many years did Mr. McDermott assist you in your work for the National Association of Manufacturers?

Mr. MULHALL. I have testified, since the meeting of Congress in December, 1909, and the winter of 1910 up to the time I left the organization.

Mr. EASBY-SMITH. Beginning December, 1909, December, 1910, would be one year. December, 1911, would be two years. Did he help you up to December, 1912?

Mr. MULHALL. No, sir; I was out of the service in 1912.

Mr. EASBY-SMITH. Then for two years and three months Mr. McDermott aided you?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. That is true?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, I call your attention to a letter which you wrote to Mr. Bird under date of September 2, 1912, printed in part 37 of the Senate hearing, at page 3450. As I understand, your break with Mr. McDermott came after the trouble about the Chicago check of $250; is that correct?

Mr. MULHALL. Yes, sir.

Mr. EASBY-SMITH. Now, this letter is dated September 2, 1912. It is No. A–3, confidential, and is as follows:

ATLANTIC CITY, N. J., *September 2, 1912.*

Mr. J. PHILLIP BIRD,
General Manager National Association of Manufacturers,
30 Church Street, New York City, N. Y.

DEAR SIR: I received a letter from you a short time after I resigned from your organization wishing me success in the future and that if I appealed to you any time in the future, if it was possible you would grant the appeal and aid me in the effort I would be making. I am now asking you not for aid for myself, but for others at this time, and am appealing to you to help to save a few of the good friends you have in this Congress and aid them to be returned to the next.

On the middle of last March I was appealed to by Mr. Jas. T. McDermott, the Member from the fourth Illinois district, to go to his district and aid him for renomination. Mr. McDermott, although a Democrat, for six years, while a Member of Congress, done everything that was in his power to advance the interest in Congress of the National Association of Manufacturers.

Was that statement true?

Mr. MULHALL. Read on, will you please?

Mr. EASBY-SMITH. I am asking you first, was that statement true?

Mr. MULHALL. That may be a little wrong for the period of time.

Mr. EASBY-SMITH. You may read the balance.

Mr. MULHALL. I will read the balance.

Mr. CRIM. You do not have to.

Mr. MULHALL. But he stopped.

Mr. CRIM. That does not make any difference; the whole letter is in evidence.

The CHAIRMAN. The entire letter may be put in the record.

Mr. EASBY-SMITH. Put the entire letter in the record.

The CHAIRMAN. You may read it or not, as you like.

Mr. MULHALL. If it is to be put into the record I am satisfied.

The CHAIRMAN. Let the entire letter be inserted in the record.

(The letter referred to is as follows:)

ATLANTIC CITY, N. J., *September 2, 1912.*

Mr. J. PHILLIP BIRD,
General Manager National Association of Manufacturers,
30 Church Street, New York City, N. Y.

DEAR SIR: I received a letter from you a short time after I resigned from your organization wishing me success in the future, and that if I appealed to you any time in the future, if it was possible, you would grant the appeal and aid me in the effort I would be making. I am now asking you not for aid for myself but for others at this time, and am appealing to you to help to save a few of the good friends you have in this Congress and aid them to be returned to the next.

On the middle of last March I was appealed to by Mr. Jas. T. McDermott, the Member from the fourth Illinois district, to go to his district and aid him for renomination. Mr. McDermott, although a Democrat, for six years while a Member of Congress done everything that was in his power to advance the interest in Congress of the National Association of Manufacturers. The splendid work that Mr. McDermott done in the past could not be estimated; so, on account of the good work he had done, I left my home on the 26th of March and went to Chicago, Ill., and stayed there until the 15th of April, aiding him to be renominated, and I am glad to say that Mr. McDermott won out and is ready to show his appreciation at any time when called upon for the good work done for him last spring.

After I returned from Chicago I had a long interview with Mr. John J. Gardner, of the second New Jersey district, and Mr. Gardner was anxious to have me help him for renomination and election this summer and fall. I came into Mr. Gardner's district three weeks ago and I have been working night and day since here for his renomination. Mr. Gardner has got the hardest fight he has ever had in his district. He has two very strong men against him for the Republican nomination, and on account of conditions in Atlantic City and other cities in his district, for work he has done in the past for his friends, he is meeting with open and vigorous opposition. Besides this, he is openly opposed by the leaders of the labor unions, and Mr. Gompers, of the American Federation of Labor, was down here with his staff and while here they sent for every prominent labor worker there are in this city and appealed to them to oppose Mr. Gardner. They are very much opposed to him on account of his vote against the Wilson injunction bills and other bills of that kind at the last session of Congress.

For the past few weeks one of Mr. Gardner's representatives has been appealing to your organization for support, believing that you would aid them, as you did two years ago. He went to New York and was sent from there to Washington to see Mr. Emery and others, and he was promised while there that anything they could possibly do for Mr. Gardner they would do, but this gentleman informs me that up to the present time he has not received one particle of aid from either Mr. Emery or anyone else that belongs to your organization.

I also had a long interview with Mr. Gardner at his home last evening, and he assured me that he has not in any way heard from your people or received a particle of aid through them, so for that reason I am authorized to write you to-day and appeal to you to help one of the best friends that your association has had for the past four years in Congress.

I have had several interviews within the past month with Mr. George W. Fairchilds, of the twenty-sixth New York district, and to-day I met Mr. Fairchilds by appointment at the Marlborough-Blenheim Hotel, this city. Mr. Fairchilds informs me that he has been promised by Mr. Emery aid any time that he called for it in his district. I informed Mr. Fairchilds some time ago that I was not connected with your association since the 1st of last Janu-

ary, but nevertheless Mr. Fairchilds desires me to go into his district and aid him in this campaign. Mr. Fairchilds is a member of your association and one of its most active Members in Congress. He is very much afraid that he will lose his district this fall. I know that you are aware that I have been in Mr. Fairchilds's district on two previous occasions, and if you folks would help him I would volunteer my services to aid him also.

Now, another reason I am writing this letter is to show you that I am not in any way opposing your organization; that I have always been its friend and wish to continue to aid in any way I possibly can, for I always believed in the principles that the National Association of Manufacturers are fighting for, and will continue to believe in the princples of the open shop as long as God lets me live. I am completely burying myself in this matter, and the best proof of this is that I am down here working for Mr. Gardner to hold him as my friend and a friend of the association.

I wrote to Mr. Kirby some time ago, asking for an interview with him to talk over those matters, feeling that it was impossible for me to ask any favors from you, but I hope you will understand at the present time I am not asking anything for myself and that I am simply appealing to you and your organization to save some of the best friends you have ever had in Congress.

If you do not wish to answer this letter by mail, I will be glad to come to New York to meet you or Mr. Kirby; or if you do not wish to see me, I will send a representative of Mr. Gardner's to see you; but I feel if I could have an interview with yourself or Mr. Kirby I could give you the exact situation as it is here. What this district needs at the present time more than anything else is a lot of workers who can get into the labor unions and into the farming districts, for it is there that Mr. Gardner's enemies are making the strongest fight against him. The primaries will be held on the 24th of this month, and if you intend to aid him it will have to be done inside of the next two weeks.

Very respectfully, yours,

M. M. MULHALL,
Haddon Hall, Atlantic City, N. J.

Mr. EASBY-SMITH. In this same letter, on this same page, you state you left Chicago the 15th of April. Is that true?

Mr. MULHALL. No; I wanted to leave on the 15th, but could not get out of there until the 18th, as I stated before.

Mr. EASBY-SMITH. Now, Mr. Mulhall, I challenge you to consult every letter that has been printed, to consult every note, paper, or document to which you may possibly have access, and to return at any time before this committee rises and state to this committee any single or more instance or instances in which Mr. McDermott gave you any information in advance concerning legislative matters or did any improper act concerning legislation.

Mr. CRIM. I move to strike that out as absurd and ridiculous and a reflection on the intelligence of this committee.

The CHAIRMAN. Well, it is hardly a question. It is merely a statement which——

Mr. EASBY-SMITH. The witness this morning declined repeatedly to answer my questions without reference to his papers——

Mr. CRIM. Which was perfectly proper and by the advice of his counsel.

Mr. EASBY-SMITH. And I now challenge the witness——

The CHAIRMAN. That is not a question.

Mr. EASBY-SMITH. I request the witness, on behalf of my client, to appear before this committee at any time before it finally closes its labors and testify from whatever documents or whatever source he chooses concerning any single instance of misconduct on the part of James T. McDermott.

Mr. CRIM. Mr. Chairman, we are at your disposal at any time you desire.

The CHAIRMAN. I understand that is not a question which calls for an answer at the present time or any other time.

Mr. EASBY-SMITH. I have finished, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. CRIM. There is one matter, Mr. Chairman. Some affidavits were produced here in a rather sensational way. I did not examine them——

The CHAIRMAN. The committee has not examined them, but we shall have to examine them. They will not go in the record, Mr. Crim, at this time, and I do not know whether they will be inserted in the record or not.

Mr. MULHALL. I would like to state to the committee——

The CHAIRMAN. Mr. Crim, do you desire to take them and examine them?

Mr. CRIM. I should like to do so.

The CHAIRMAN. Very well, if you wish.

The committee will take a recess of 10 or 15 minutes.

(Thereupon, at 3.30 o'clock p. m., a recess was taken, at the expiration of which the committee reassembled.)

The CHAIRMAN. Mr. Easby-Smith, are you prepared to go ahead with some witness of yours?

Mr. EASBY-SMITH. I had not, Mr. Chairman, expected to do so. I had expected to conclude my cross-examination of Mr. McMichael before proceeding with my witnesses.

The CHAIRMAN. Now, about that matter of Mr. McMichael——

Mr. EASBY-SMITH. I could be prepared to-night, Mr. Chairman, but I should like to look over my notes and get things arranged logically at the start and get some of my witnesses on hand. I could proceed to cross-examine Mr. McMichael, and I should like to finish with him.

The CHAIRMAN. Is Mr. McMichael here?

Mr. EASBY-SMITH. He was here this morning.

The CHAIRMAN. I do not believe he is here this afternoon. Perhaps he had not expected to be called this afternoon, so I do not say he is subject to any criticism for not being here at this time, because he has not been notified to be here this afternoon. You do not desire to go ahead with anyone else?

Mr. EASBY-SMITH. No, sir; not at this moment. If there should be a night session, which would be entirely agreeable to me if it is agreeable to the committee, I could arrange in the meantime to start; but, as I say, I should like very much to conclude with Mr. McMichael's cross-examination. It is concerning documents which he said he would produce here, and one or two other matters. Of course, if he does not produce the check, I should ask the committee to summon the United States Trust Co.

The CHAIRMAN. I do not believe that the room will be available to-night, as both parties have caucuses to-night, so we could not very well have a night session. The committee will therefore stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 3.50 o'clock p. m., the committee adjourned to meet to-morrow, Wednesday, August 27, 1913, at 10 o'clock a. m.

SELECT COMMITTEE ON LOBBY INVESTIGATION,
HOUSE OF REPRESENTATIVES,
Wednesday, August 27, 1913.

The committee met at 10 o'clock a. m., Hon. Finis J. Garrett (chairman) presiding.

Present: Representatives Cline, Russell, Ferris, Stafford, and Willis.

The CHAIRMAN. The committee will be in order. Mr. McMichael, will you take the stand?

TESTIMONY OF MR. I. H. M'MICHAEL—Resumed.

Mr. EASBY-SMITH. Mr. McMichael, I have just a few questions this morning. When you left the stand you were requested to bring with you certain papers. First, the check of the United States Trust Co.; did you bring that?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Will you let us see it, please?

[The check in question was handed by the witness to Mr. Easby-Smith.]

I presume this may go in the record, if the committee please.

The CHAIRMAN. Yes.

Mr. EASBY-SMITH. I will read it:

Washington, D. C., March 22, 1912. No. 8. Merchants & Mechanics Savings Bank, Seventh and G Streets NW.—

That is now a branch of the United States Trust Co.?

Mr. MCMICHAEL. Yes.

Mr. EASBY-SMITH (reading):

Pay to the order of M. M. Mulhall $75. Seventy-five Dollars. I. H. McMichael.

It is indorsed:

M. M. Mulhall, Albert T. Lemkuhl.

Is that right?

Mr. MCMICHAEL. I do not know who that is.

Mr. EASBY-SMITH. With bank stamps:

National Metropolitan Bank, March 25, 1912; National Marine Bank of Baltimore, March 23, 1912.

Now, Mr. McMichael, did you bring with you the letter from Mr. Irvine?

The CHAIRMAN. I understand that is not a question which calls for an answer at the present time or any other time.

Mr. EASBY-SMITH. I have finished, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Mr. CRIM. There is one matter, Mr. Chairman. Some affidavits were produced here in a rather sensational way. I did not examine them——

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[The check in question was handed by the witness to Mr. Easby-Smith.]

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3—

Mr. McMICHAEL. I did not, sir.

Mr. EASBY-SMITH. Did you find that?

Mr. McMICHAEL. No, sir.

Mr. EASBY-SMITH. Did you bring with you the Regan statement?

Mr. McMICHAEL. No, sir; I am having it looked for now, having my trunks unpacked. Remember, I moved at the end of the month back to my home. I am having all the trunks unpacked, and I will find it; at least I hope to find it.

Mr. EASBY-SMITH. Mr. McMichael, I want to find out if I correctly remember your testimony simply on one point. Do I correctly remember, when you testified concerning the information you gave to Mr. Mulhall concerning the Hughes amendment, that you first told him about that and afterwards wrote it down on a slip of paper for him?

Mr. McMICHAEL. I think that is my correct testimony. It is in the book, sir.

Mr. EASBY-SMITH. I simply want to follow that a moment. Can you tell me how long a time elapsed between your telling Mr. Mulhall about it and your writing it down on the slip?

Mr. McMICHAEL. Why, I judge seven minutes; eight minutes probably.

Mr. EASBY-SMITH. And will you relate a little more fully just the circumstances under which that happened?

Mr. McMICHAEL. In this hearing I have made that statement, and if the attorney wishes he can read it. I stick by my statements, and unless I get the statement I will not quote them.

The CHAIRMAN. He asked you simply to state a little more fully.

Mr. EASBY-SMITH. I ask you to state a little more fully the circumstances.

Mr. McMICHAEL. I wish to see the hearings so I can refresh my memory.

The CHAIRMAN. I think you can go ahead and state it without seeing them. There is no objection to your seeing them, however.

Mr. EASBY-SMITH. The details were not related, if the committee please, and since some testimony has come out I would like to have some of the other circumstances stated. You need not think I am trying to tangle you up.

Mr. McMICHAEL. As far as I can state them, as I say, they are in there. If I can get the page——

Mr. EASBY-SMITH. I am asking you the question, Will you please relate the circumstances, as you remember them, under which you told Mr. Mulhall this information and the circumstances under which you wrote and gave him the information?

Mr. McMICHAEL. To the best of my recollection—I won't say positively that I can quote the exact words, but as near as possible—I was in the office with Mr. McDermott. He said, "Are you going to see the colonel this morning?"—or "Colonel Mulhall"; I don't know which he said. I said, "I think I will; yes, sir." He says, "Hughes is going to offer an amendment——"

Mr. FERRIS. Who said that?

Mr. McMICHAEL. Mr. McDermott. "To the sundry civil bill on page so-and-so, and if I am not on the floor be sure and call me up either at my office or Fritz Reuter's." I called up McDermott when

the House came in session at his office, and he was not there. Then I called him up at Fritz Reuter's, and he had left there. In the meantime I had met Mr. Mulhall and told him this, and he said, "Write it on a piece of paper," and it could not have been any more wider than that [indicating]. That is the reason for making the statement that the other was not my writing, because it was a small piece of paper.

Mr. EASBY-SMITH. What I want to get at is, How came this lapse of seven or eight minutes between your telling Mr. Mulhall and your subsequently writing it down?

Mr. MCMICHAEL. Getting this piece of paper and writing it down. I could not have been writing and talking at the same time, sir.

Mr. EASBY-SMITH. Didn't he give any reason for asking you to reduce it to writing?

Mr. MCMICHAEL. I presume so he could remember it.

Mr. EASBY-SMITH. So he could remember it? I want to show you the letter of June 4, 1910, which is in part 33, page 3198, of the Senate hearings, and read to you again the extract which Mr. Mulhall has said was in your handwriting, and get you to definitely state again your recollection of what you did write to him. I will read as follows:

After leaving Mr. Emery's office I went to the Capitol and received a brief report from my labor friends, and was handed the following written statement: "The sundry civil bill now before the House, page 116, at the end of bill, on page 184—Mr. Hughes, of New Jersey, has an amendment on the eight-hour bill to be offered; every effort is being made to get your men in so that the amendment can be defeated. Notice has been given all Republicans to be on hand to vote with the chairman, Tawney, against same going into the bill. I will look after the end of keeping the other side away."

Now, Mr. McMichael, will you tell us again as nearly as you can recollect it what portion of that you wrote for Mr. Mulhall and which you did not?

Mr. MCMICHAEL. I can not say that I wrote any portion of it. The language, as I stated before—the first few words of this is similar to the slip that I gave him.

Mr. EASBY-SMITH. Now, will you designate the first few words which you think are similar?

Mr. MCMICHAEL. I think what I gave him said, as I stated before, that "Hughes is going to offer an eight-hour amendment to the sundry civil bill at the end of the bill on page 184."

Mr. EASBY-SMITH. Now, will you read from that as far as you think you gave him the information?

Mr. MCMICHAEL. That is all.

Mr. EASBY-SMITH. Won't you read from those words——

Mr. MCMICHAEL (reading):

Mr. Hughes, of New Jersey, has an amendment to the eight-hour law to be offered. Every effort is being made to get your men in so that the amendment can be defeated. Notice has been given all Republicans to be on hand to vote with the chairman, Tawney, against same going into the bill. I will look after the end of keeping the other side away.

Mr. EASBY-SMITH. You do not mean you wrote all that?

Mr. MCMICHAEL. Absolutely not.

Mr. EASBY-SMITH. What I wanted you to do was to start at the beginning and read as far as you think you gave him the information.

Mr. MCMICHAEL. I have already gone over it. This is Mulhall's writing, and what he writes and what he says I don't care.

Mr. EASBY-SMITH. Mr. McMichael, will you take part 35 there, if you please, and turn to page 3338? I want to call your attention to letter No. 4195, dated April 21, 1911—a letter from Mr. Mulhall, addressed to Mr. Jarvis, introducing Mr. Murphy. Will you read that letter? You do not need to read it aloud; it is in the record.

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Now, Mr. McMichael, do you remember the circumstances under which the letter was written and given to Mr. Murphy?

Mr. MCMICHAEL. I do not, sir.

Mr. EASBY-SMITH. The letter says:

MY DEAR MR. JARVIS: This letter will introduce to you Mr. J. M. Murphy.

Do you know anything about that letter?

Mr. MCMICHAEL. No, sir; I do not know that I have ever seen that letter.

Mr. EASBY-SMITH. Who was J. M. Murphy; do you know?

Mr. MCMICHAEL. This J. M. Murphy is the man I have spoken about that was with Mr. McDermott in this aeroplane business. It might not be the same Murphy, but the only two Murphys I know is Murphy the policeman and this Murphy on the aviation field.

Mr. EASBY-SMITH. As far as you know this J. M. Murphy was the patentee of that aeroplane?

Mr. MCMICHAEL. I should think so; yes, sir.

Mr. EASBY-SMITH. Do you recall, Mr. McMichael, that about that date—April 21, 1911—you and Mr. McDermott were interested in this aeroplane matter and were putting money into it?

Mr. MCMICHAEL. Yes, sir—now, one second. You say, "putting money into it." I have explained that——

Mr. EASBY-SMITH. I know you have.

Mr. MCMICHAEL. Because you may come back on me afterwards, and it may look like I lost a million dollars in it.

Mr. EASBY-SMITH. You stated a few hundred dollars. My purpose is not to tangle you up at all; I am simply trying to get your recollection.

Mr. MCMICHAEL. All right, sir.

Mr. EASBY-SMITH. Do you recollect that about that time Mr. McDermott had the blue prints and other documents concerning this in his office there?

Mr. MCMICHAEL. Of the aeroplane?

Mr. EASBY-SMITH. Yes.

Mr. MCMICHAEL. I think he had some copies of it there.

Mr. EASBY-SMITH. And that Mr. Murphy was around at his office from time to time?

Mr. MCMICHAEL. He came on here very frequently and went back. Mr. O'Malley came on frequently and went back.

Mr. EASBY-SMITH. And traveled a good deal between here and Connecticut?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. But you have no recollection of this particular letter of introduction of Mr. Jarvis, of New Britain, Conn.?

Mr. MCMICHAEL. No, sir; I am frank to say I do not believe I ever did see that letter.

Mr. EASBY-SMITH. And never heard of Mulhall's giving a letter to Mr. Murphy introducing him to Jarvis?

Mr. MCMICHAEL. That would be up to—I don't know what that gentleman did or didn't do, Mr. Easby-Smith. I am frank to say this, that I know this man C. M. Jarvis—not personally, but I have sent him quite a number of documents, and I know he is on the list as a member of the National Association of Manufacturers, sir. If I am not mistaken, it is the American Hardware Co.—yes, sir; it is the American Hardware Co., of New Britain, Conn.

Mr. EASBY-SMITH. Mr. McMichael do you know a Dr. M. Page Smith?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Dean of the United States College of Veterinary Surgeons?

Mr. MCMICHAEL. I do, sir.

Mr. EASBY-SMITH. Did you know that he was an intimate friend and acquaintance of Mr. McDermott?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Do you remember meeting Dr. Smith in Judiciary Park, near the Pension Office?

Mr. MCMICHAEL. I do, sir.

Mr. EASBY-SMITH. In the early part of July of this year?

Mr. MCMICHAEL. I do, sir.

Mr. EASBY-SMITH. About what date was that, Mr. McMichael?

Mr. MCMICHAEL. I have no recollection. You can find out from the doctor; probably he can remember. He stopped me——

Mr. EASBY-SMITH. Did you meet him just after your return from your trip to New York?

Mr. MCMICHAEL. I can not say whether it was or not. I made two or three trips to New York. As a matter of fact, I met the doctor—he called me and I stopped and waited for him to get out of his carriage. That is a fact, sir.

Mr. EASBY-SMITH. I want to fix the time and then we will get the circumstances. You made the first trip to New York, I believe, about the 30th of June?

Mr. MCMICHAEL. Yes, sir; probably so. I think it was the 30th.

Mr. EASBY-SMITH. And it was at that time you made the $75 a week bargain?

Mr. MCMICHAEL. Absolutely not, sir.

Mr. EASBY-SMITH. When did you make that?

Mr. MCMICHAEL. At a later date, sir.

Mr. EASBY-SMITH. What date, sir?

Mr. MCMICHAEL. I can not recall the date, sir.

Mr. EASBY-SMITH. Now, it was on your return from New York that you met Representative Reilly in the train and talked with him?

Mr. MCMICHAEL. I think it was, sir. Do you acknowledge, as attorney——

The CHAIRMAN. Wait a moment, Mr. McMichael.

Mr. MCMICHAEL. I have a right—he don't have to answer the question. I want to ask him the question: Do you concede you have any knowledge of my talking to Mr. Reilly?

Mr. EASBY-SMITH. You testified on the stand about your talking to Mr. Reilly.

Mr. MCMICHAEL. I thought probably you had a doubt about it.

The CHAIRMAN. That will do; go ahead.

Mr. EASBY-SMITH. I just mentioned that, however, to fix this day. Do you recollect whether it was after that trip to New York that you met Dr. Smith?

Mr. MCMICHAEL. I can not say, sir.

Mr. EASBY-SMITH. Did you have more than one talk with Dr. Smith there in Judiciary Square?

Mr. MCMICHAEL. I do not think I did, sir.

Mr. EASBY-SMITH. So we have fixed now the conversation?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. And you recollect where it was?

Mr. MCMICHAEL. Yes, sir; right in the middle of the park by the driveway there.

Mr. EASBY-SMITH. Dr. Smith was driving in his buggy through the park?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. And he hailed you?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. And got out of his buggy?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. And you had a talk?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Did he on that occasion ask you how the Mulhall affair was coming on?

Mr. MCMICHAEL. He did not, sir.

Mr. EASBY-SMITH. Did you on that occasion say to him that you thought Mr. McDermott was a splendid fellow?

Mr. MCMICHAEL. I did not, sir.

Mr. EASBY-SMITH. And did you say to him on that occasion——

Mr. MCMICHAEL. I will give you the statement I made, sir.

Mr. EASBY-SMITH. I will ask you these first.

Mr. MCMICHAEL. All right, sir.

Mr. EASBY-SMITH. Did you on that occasion state to Dr. Smith that Mr. McDermott had never, so far as you knew, done anything wrong?

Mr. MCMICHAEL. I did not, sir.

Mr. EASBY-SMITH. Did you on that occasion state to Dr. Smith that if Mr. McDermott would see you before you went on the stand the whole thing could be straightened out?

Mr. MCMICHAEL. No, sir.

Mr. EASBY-SMITH. Did you on that occasion state to Dr. Smith that you were getting yours, using these words: "I am getting mine, and after this is all over I will have enough to live on without having to worry about work"?

Mr. MCMICHAEL. No, sir.

Mr. EASBY-SMITH. You positively deny you made all those statements?

Mr. MCMICHAEL. I absolutely did not. The conversation I had with Dr. Smith—he said to me: "McDermott is looking for you." "Looking for me? He knows where I will be at. I have done nothing. It is McDermott's place, if he is looking for me, to come to me." And he says: "All I want to say to you is this, Mac: McDermott says this is fifty-fifty," meaning, of course, I understood Dr. Smith—the meaning of fifty-fifty was we would eliminate as far as possible any question in reference to any women. I said: "As far as I am concerned I have no desire to bring any women into it. It is McDermott's place to come to me, not my place to go to him."

Mr. EASBY-SMITH. Now, Mr. Michael, I want to refer to the conversation with Representative Reilly. You have heretofore fixed the time and place. I will ask you whether or not in that conversation with Representative Reilly you made the following statement to him: "I had intended to skip out, but after I got to New York and saw the people there I determined to stay on the job."

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. You said that to him?

Mr. MCMICHAEL. Yes, sir; and McDermott told me to go down in this alley and stay; to go hide and keep away from this committee. Until I went to New York and seen the letters there with my signature on them—I was never going away and be charged with being a fugitive from justice.

Mr. EASBY-SMITH. Was it not that remark to Mr. Reilly that brought out this remark to you: "Why, McMichael, I thought you were in jail"?

Mr. MCMICHAEL. Yes, sir. And do you realize the gentleman's reason for saying that? According to the newspaper's statements it looked like I ought to be in jail, according to Mr. McDermott's statements.

The CHAIRMAN. This check will be filed, and marked with a proper number.

Mr. MCMICHAEL. If possible, after the committee gets through with that check the bank would like to have it returned, unless the committee wishes.

The CHAIRMAN. Let the check be copied in, and let him have it now.

Mr. MCMICHAEL. It is a savings deposit account, and they have no way in the world to show that I ever drew this money out if I take the blank check. If I should go to court and say they stole my $75——

Mr. EASBY-SMITH. That is correct. The savings banks here generally do not return the paid checks; they retain them.

Mr. MCMICHAEL. That is what the president, or manager, told me. He asked me, if possible, to have it returned.

(The check so referred to is as follows:)

McMICHAEL EXHIBIT No. 1.

WASHINGTON, D. C., *March 22, 1912.* *No. 8.*

Merchants and Mechanics Savings Bank, Seventh and G Streets NW.
Pay to the order of M. M. Mulhall, $75.00 (seventy-five_____00/100 dollars).

I. H. McMICHAEL.

(On the back:)

M. M. Mulhall

Albert T. Lemkuhl

Pay Any Bank, Banker or Trust Co.
or Order
Endorsements Guaranteed
Mar. 23, 1912.
National Marine Bank
7-10 Baltimore, Md. 7-10
Yates Penniman, Cashier.

National Metropolitan Bank
Mar. 25, 1912
Prior endorsements guaranteed
Washington, D. C.

Mr. EASBY-SMITH. Mr. McMichael, I have one or two further questions to ask you about Mr. Merriweather. I asked you one or two questions about him when you were on the stand before, and I believe you said you never knew or heard of such a man.

Mr. McMICHAEL. I do not think I did, sir.

Mr. EASBY-SMITH. See if you can refresh your recollection and state whether or not these are facts: Did not you and Mr. Merriweather work in the preparation of a story which Mr. Merriweather was to publish for you?

Mr. McMICHAEL. Mr. Merriweather is a man, and any kind of a man—and I am a small man—that makes that statement on this witness stand——

The CHAIRMAN. Just answer the question, Mr. McMichael.

Mr. McMICHAEL. I am not going to say anything.

The CHAIRMAN. I say, just answer the question.

Mr. McMICHAEL. It is untrue, sir; and I defy him to make a statement of that kind. He will answer to me for it.

Mr. EASBY-SMITH. Will you state whether or not, after some negotiations, you finally saw Mr. Merriweather and had an interview with him at your sister's home in this city?

Mr. McMICHAEL. No, sir; I had no interview with Mr. Merriweather. I think the man told me his name was Goldberg.

Mr. EASBY-SMITH. You do not remember Mr. Merriweather at all?

Mr. McMICHAEL. There was another gentleman with him.

Mr. EASBY-SMITH. There was another gentleman with him whose name you do not know?

Mr. McMICHAEL. I do not know. I never had any conversation whatsoever with that other man.

Mr. EASBY-SMITH. You did see two gentlemen at your home, both of them newspaper men?

Mr. McMICHAEL. I presume they were newspaper men; yes, sir.

Mr. EASBY-SMITH. Now, at that time didn't you tell them the whole story which you were going to tell on the stand, and tell them about the article you were going to write, "Twenty years in the service of Congress"?

Mr. McMICHAEL. I told them I was going to write a story, "Twenty years in the service of Congress"; yes, sir.

Mr. EASBY-SMITH. And did you not then and there offer to sell them that story for $1,000?

Mr. McMICHAEL. Absolutely not, sir. Mr. Chairman, in reference to that I would like to make a statement.

The CHAIRMAN. Very well.

Mr. McMICHAEL. This man Goldberg—if I am not mistaken that is his name—he represented, I think, the New York American, a newspaper that is opposed to Mr. Wilson's administration, and opposed to anything that the World takes the opposite of. And he says to me, "I want you to give me a statement. We want to publish it so we can hurt the administration. We don't want nothing that will favor the administration." I seen where the man got off at. He said, "You can talk to me freely; I am not going to publish anything." I had never been to his office, and had no intentions of going to his office. This man that was with him was the fellow who run me out of my flat. He had insulted my sister and told my sister that if she did not tell him where I was he was going to publish statements that would reflect on me the rest of my life. He admitted to me, "If you do not give me something I can publish I will lose my job." He showed me a telegram which said, "Spare no expense; get a story from McMichael and spare no expense." I said, "You will get nothing out of me." He said, "I know you have got a good story; we will pay you much more than you will get out of the World." He said, "You are a fool if you do not get yours; everybody else is getting theirs."

Mr. STAFFORD. Was that before or after you were in the employ of the World at $75?

Mr. McMICHAEL. That was before I was in the employ of the World, I think. I have been in the employ of the World—I think I have got about five checks from the World at $75.

Mr. EASBY-SMITH. That is all.

Mr. RUSSELL. I want to ask one question. There was an account presented here—I do not know whether you were present or not—of the telephone company for long-distance telephone messages against Mr. McDermott.

Mr. McMICHAEL. Yes, sir.

Mr. RUSSELL. A number of items in that account consisted of messages that you had sent to Col. Mulhall at Baltimore.

Mr. McMICHAEL. Yes, sir.

Mr. RUSSELL. I want to know if you were authorized by Mr. McDermott to use the long-distance telephone in his name?

Mr. McMICHAEL. Absolutely, sir; if there are all those telephones that I told him about, he paid them. They were with his permission and under his instructions and were messages I sent to Mr. Mulhall for him. Half the time when he was here I would go in and call "Madison," whatever the telephone number was, and get the connec-

tion, and I says, "Is this the colonel?" or "Is the colonel there?" "Yes." "Get him; Mr. McDermott wants to talk to him." McDermott would do the talking. Some of those phones was maybe by myself in answer to instructions I got through McDermott. Along about March—you will notice there that one of the telephones is in March—I telephoned over in answer to a telephone from McDermott after Mr. Mulhall had left for Chicago, and I considered that Mr. McDermott's business, not mine.

Mr. EASBY-SMITH. Will you fix the year that that occurred?

Mr. MCMICHAEL. I think it was 1912, sir.

Mr. RUSSELL. There was one of those items sent from the press gallery.

Mr. MCMICHAEL. Yes, sir.

Mr. RUSSELL. Was that paid by him, do you know?

Mr. MCMICHAEL. I read something of that sort. If I am not mistaken that telephone message from the press room was a message of mine to Col. Mulhall, and I paid for it, sir. If it is on that bill somebody else got the 35 cents. I paid the 35 cents to Mr. Mann, got his permission to use the phone, and it was in reference to some matter or something—I can not say whether it was my own affairs or McDermott's.

Mr. RUSSELL. There were, if I recall, about four of those messages sent from the Democratic cloak room.

Mr. MCMICHAEL. Yes, sir.

Mr. RUSSELL. By you to Col. Mulhall.

Mr. MCMICHAEL. Yes, sir.

Mr. RUSSELL. Were you authorized by Mr. McDermott to send those?

Mr. MCMICHAEL. I was, sir.

Mr. RUSSELL. Did he pay for them?

Mr. MCMICHAEL. If they are on that bill I never paid for them.

The CHAIRMAN. That Mr. Mann you paid that money to was the superintendent of the press gallery?

Mr. MCMICHAEL. Yes, sir.

Mr. STAFFORD. Were you ever present when Mr. McDermott telephoned outside this city by long-distance telephone?

Mr. MCMICHAEL. Yes, sir.

Mr. STAFFORD. Do you recall any instances when you were present?

Mr. MCMICHAEL. Why, he talked to Mr. Mulhall at one time, as my book that I have got in my pocket will show. He made one call from Fritz Reuter's to Chicago, Ill., and he says to me, "Now, Mac, you get around there and watch old man Louis, and the moment he connects me see that he does not cut in, because I don't want a soul in the world to hear this telephone." I said—here [indicating] is the booth, under the steps like. Around here is the telephone board. As a matter of fact, I know it to be a fact, and so does McDermott, that this man Louis, that is an old, old German, frequently listened to conversations that would go over that wire, and he would tell you about it. He says to me, "You go around there and watch him." I said, "Mr. Louis, have you got him connected up?" He says, "Yes," and I said, "Well, just stop that cutting in; he will do the talking." What that conversation was I don't know. He telephoned once from Chicago to Fritz Reuter's to me, sir.

Mr. STAFFORD. What was the occasion for his telephoning to you from Chicago?

Mr. MCMICHAEL. To find out when Mulhall was——

Mr. STAFFORD (interposing). When was this?

Mr. MCMICHAEL. This was in the latter portion of March or the first of April—the first of April, I guess. His statement was, "Here it is 2 weeks or about 10 days before my primaries, and I can not find that man.

Mr. STAFFORD. Were you ever present in Mr. McDermott's office when he had occasion to telephone by long distance to any other place than Baltimore or to any other person than Col. Mulhall?

Mr. MCMICHAEL. No, sir; I do not think I knew him to telephone otherwise than that.

Mr. WILLIS. Do you recall, Mr. McMichael, what Mr. Mulhall's telephone number in Baltimore was?

Mr. MCMICHAEL. I have it here [consulting memorandum].

Mr. WILLIS. Can you state it to me?

Mr. MCMICHAEL. Yes, sir. Madison 5294; the address is 3933 Old York Road. That is in a suburb usually called Waverly.

Mr. RUSSELL. Sometimes when you called him by long distance, did you call the telephone number instead of calling him personally by name?

Mr. MCMICHAEL. Sometimes I did, when I wanted to call him and could not find the number. The number is marked in Mr. McDermott's room, on the wall. There were a good many numbers there, and we would look and find the number, and then we would have to call up long distance and say, "I want Baltimore." They would say, "Whom do you want to get?" And then I would say, if we did not have the number, "I want to get M. M. Mulhall, whose address is 3933 Old York Road." And the telephone operator would say, "Who is calling?" and I would say, "So-and-so." "All right," the operator would say, "We will let you know." That was when we could not find the number. When I had the number, I would call up long distance and say, "I want to get Madison 5294," and tell them whom I wanted. They would say, "All right." Sometimes he would not be there, and if he was there, I would talk to him, and if he was not there, they would tell me, because if you ask for the number and they get the number you have to pay, and if you ask for a certain man and he is not there, they will tell you, and you do not have to pay for it. You have to designate somebody.

Mr. WILLIS. You say this number, Madison 5294, is written on the wall by the telephone?

Mr. MCMICHAEL. Right on the big United States map in McDermott's room.

Mr. WILLIS. Who wrote that number?

Mr. MCMICHAEL. I did, sir.

Mr. WILLIS. Do you know whether McDermott knew it was there?

Mr. MCMICHAEL. Yes, sir.

Mr. WILLIS. That is all.

Mr. FERRIS. Who first introduced Mr. McDermott to Mr. Mulhall?

Mr. MCMICHAEL. The first meeting?

Mr. FERRIS. Yes, sir.

Mr. McMICHAEL. I do not know who introduced him first. I think his first meeting, according to Mulhall's statement, or McDermott's statement, he just walked in his office——

Mr. FERRIS. That was the first meeting?

Mr. McMICHAEL. Whether he walked in there or went to see him—he spoke about giving McDermott an invitation to some meeting or something, and McDermott abused him, or abused the people he was working for.

Mr. FERRIS. You knew Mulhall before McDermott, did you not?

Mr. McMICHAEL. Yes, sir.

Mr. FERRIS. Do you remember a dinner which was given, which you and Mr. McDermott and Mr. Mulhall attended, at Fritz Reuter's, where their difficulties and differences of the past were talked over, something about a year after this meeting in the office where McDermott "balled out" Mulhall?

Mr. McMICHAEL. Yes, sir.

Mr. FERRIS. Were you present all the time during that meeting?

Mr. McMICHAEL. No, sir; not all the time, but at most of those meetings I was.

Mr. FERRIS. Did you hear much of the conversation that took place between them at that meeting?

Mr. McMICHAEL. Yes; I think I heard practically all of it, because, as a matter of fact, I was there all the time, and they would talk, and they would not get right down to a conversation on any one point; they would talk for a while, and then have a drink, etc., and then go on something else, and then get back to the subject again, and McDermott's whole conversation, or the main topic of his conversation, was about getting him money for his campaign purposes.

Mr. FERRIS. Did they talk over, at this time, the occurrence that happened in McDermott's office when Mulhall made his first call?

Mr. McMICHAEL. I can not say, Mr. Ferris.

Mr. FERRIS. You do not recall?

Mr. McMICHAEL. I do not recall whether they did or not.

Mr. FERRIS. If there was any general pacification and making of a truce on that occasion, you do not recall it?

Mr. McMICHAEL. I do not recall, but often we would talk about it coming over to the Capitol, and meeting Mac, and about how nice they were getting along. They seemed to be the friendliest people in the world.

Mr. FERRIS. Did that date from the time of that dinner, largely?

Mr. McMICHAEL. Yes, sir; then right straight along.

Mr. FERRIS. Mulhall had remained cross with McDermott after that occurrence in his office until that time?

Mr. McMICHAEL. Yes, sir; because he told me that he was. He said to me, "I want to invite him one time to go to some meeting," and he said, "You know he used them fierce," and there was some other conversation, and I told him I liked MeDermott——

Mr. FERRIS. I recall that testimony. I think that is all.

Mr. EASBY-SMITH. Mr. McMichael, do you recall any telephone messages sent by McDermott to Mulhall during the year 1911? You have spoken of a telephone message which you sent by his direction in the early part of 1912 to Mr. Mulhall. Now, do you recall any messages prior to that?

Mr. McMICHAEL. I think we had some messages in 1911.

Mr. EASBY-SMITH. In which McDermott called Mulhall?

Mr. McMICHAEL. Yes, sir.

Mr. EASBY-SMITH. At Baltimore?

Mr. McMICHAEL. Yes, sir; and I think if you will refer to the record and go back you will find it was in 1911 that McDermott and I went to Mulhall's house on a Sunday morning, and I think on the Saturday or Friday previous to that you will find a telephone call in which we talked to the colonel over the telephone.

Mr. EASBY-SMITH. To refresh your recollection, I will state there is a telegram from you to Mulhall dated February 17, 1912, which reads as follows:

Mac and I will be over there to-morrow.

The next day was Sunday, the 18th of February, and Mr. Mulhall has testified that that was the occasion when you and Mr. McDermott came over and examined the papers. Does that refresh your recollection?

Mr. McMICHAEL. Yes, sir.

Mr. EASBY-SMITH. That was in 1912.

Mr. McMICHAEL. Yes, sir; and I still say that the records of the telephone office—if you will consult them, you will find there were messages sent in 1911.

Mr. EASBY-SMITH. Now, I want to ask you if you remember what telephone message was sent in 1911? What was it about? Do you have any recollection about that?

Mr. McMICHAEL. No; I can not say I have any recollection about that, because there were lots of times when McDermott would talk to Mulhall or talk to other people over the phone. He would request you to step out in the hall while he was talking.

Mr. EASBY-SMITH. He would converse with other people when you stepped out into the hall?

Mr. McMICHAEL. Sometimes he would. I have known of cases when he telephoned to George Horning, and he would say to me to step out into the hall.

Mr. EASBY-SMITH. I am talking about Mr. Mulhall.

Mr. McMICHAEL. I am saying that at times when he wanted to say things——

Mr. EASBY-SMITH (interposing). Do you remember his ever asking you to step out into the hall when he was talking to Mr. Mulhall?

Mr. McMICHAEL. Not positively.

Mr. EASBY-SMITH. You do not remember the substance of any conversation which he had with Mulhall over the telephone in 1911?

Mr. McMICHAEL. Near the close of 1911, I think, as near as I can remember. The substance of his conversations at all times has been about getting money for his campaign.

Mr. EASBY-SMITH. Just one other matter. When you went to New York on June 30, 1913, Mr. McMichael, did you not go in response to a telegram from Mulhall?

Mr. McMICHAEL. I think there was a telegram from Mulhall.

Mr. EASBY-SMITH. Have you that telegram?

Mr. McMICHAEL. No, sir; I do not think I have, but I believe I can get a copy of it. It was such a short time ago; I think there is a copy in the telegraph office.

Mr. EASBY-SMITH. Will you state as fully as you can recollect the substance of that telegram or the contents of it?

Mr. MCMICHAEL. I think it was "Come to New York at once; they will pay your expenses."

Mr. EASBY-SMITH. Did you know then, or subsequently learn who "they" meant?

Mr. MCMICHAEL. I went there; when they asked me I went down to the World office, and they asked me would I identify my letters. I said any letter bearing my signature, any letter in my handwriting that does not bear my signature, I am going to stand for.

Mr. EASBY-SMITH. Who was there at the time?

Mr. MCMICHAEL. Mr. Seibold.

Mr. EASBY-SMITH. Who else?

Mr. MCMICHAEL. And Mr. Mulhall.

Mr. EASBY-SMITH. Who else?

Mr. MCMICHAEL. Mr. Klaubus, or something like that.

Mr. EASBY-SMITH. Mr. Klauber, was it?

Mr. MCMICHAEL. Yes; I guess it was Klauber.

Mr. EASBY-SMITH. Who else?

Mr. MCMICHAEL. That is all I can recall.

The CHAIRMAN. In any of these conversations over the telephone—did you ever hear any of these conversations between McDermott and Mulhall over the telephone?

Mr. MCMICHAEL. Yes, sir.

The CHAIRMAN. You heard the McDermott end of the conversation?

Mr. MCMICHAEL. Yes, sir.

The CHAIRMAN. What was it about?

Mr. MCMICHAEL. Always about getting money for his campaign purposes.

The CHAIRMAN. Did he ever talk to him about matters of legislation here in any respect?

Mr. MCMICHAEL. I would be candid and frank and say I do not think he did.

The CHAIRMAN. When you called him, and at the times that McDermott paid for the messages that you sent, did you talk to him about it? Did you say there were occurrences of that sort?

Mr. MCMICHAEL. I did not catch that.

The CHAIRMAN. Were there times when you called Mulhall and talked to him?

Mr. MCMICHAEL. Yes, sir. You mean that McDermott paid for the message? Yes, sir.

The CHAIRMAN. And you were instructed by McDermott to do that?

Mr. MCMICHAEL. Yes, sir.

The CHAIRMAN. What were those conversations about?

Mr. MCMICHAEL. This was in 1912; he wanted to know where he was and when he would be able to come to Chicago, if he would be able to go out there on the 1st of April, or before that.

The CHAIRMAN. McDermott was not in the city when you made that call?

Mr. MCMICHAEL. Some of the times he was not in the city when I would call.

The CHAIRMAN. I mean this particular call we are speaking of just now, which you say was to find out whether he could go to Chicago before the 1st of April; McDermott was not here?

Mr. MCMICHAEL. By the 1st of April or before the 1st of April. The 1st of April had not come. I think this was early in March, and McDermott sent me to telephone to find out from Mulhall and ask him whether he would go, and when he would go; and he said yes, but he could not go as soon as he wanted him to go. I said, "Are you going to break your promise?" He said, "You do not think I am going to leave my own business for somebody else?" He said, "I do not think I can go that soon. I can get away by the 25th of March, anyway."

The CHAIRMAN. That was a personal conversation; it was not over the telephone?

Mr. MCMICHAEL. No; that was over the phone.

The CHAIRMAN. That was a personal conversation. These other telephone messages are what I am specially interested in. Did you ever talk to him over the telephone about anything else except the campaign matters of McDermott, or do you remember?

Mr. MCMICHAEL. Yes, sir; I talked to him one time over the telephone. I do not know whether we finished the conversation or whether McDermott finished it, but the nature of the conversation was if could get him to advance us some money in this aeroplane business.

The CHAIRMAN. Neither you nor McDermott ever called him up over the telephone and talked with him about legislative matters?

Mr. MCMICHAEL. I do not remember any time when McDermott talked about any labor legislation over the telephone with Mulhall.

The CHAIRMAN. Or any other legislation?

Mr. MCMICHAEL. Or any other legislation.

Mr. WILLIS. You are sure you never made any of these reports about what was going on in different committees, over the phone?

Mr. MCMICHAEL. He might have spoke in this way: "How are things going on," and I would say, "Mr. So-and-so is now speaking"; or it might be, "What is up?" I would say, "A minor pension bill; to-day is pension day"; or, "To-day is unanimous-consent day," or something of that sort; pension day and Mr. Roddenbery was speaking. Or, maybe he would ask me what was going on, and I could see from the press gallery what was the nature of the day's business.

Mr. WILLIS. What I am trying to find out, Mr. McMichael, is whether you ever called him up—that is, Mr. Mulhall—for the purpose of making these reports as to what was going on in different committees?

Mr. MCMICHAEL. No; I think I made them, as the letters will show, in letter form.

Mr. STAFFORD. I direct your attention to a letter dated June 4, 1912, addressed to Mr. McDermott by Mr. Mulhall, No. 4376, which refers to a letter that Mulhall had received from you, as follows:

I received a letter from J. H. McMichael, dated May 31, which I suppose was authorized by you.

Mr. MCMICHAEL. Yes, sir.

Mr. STAFFORD (reading):

You know that every statement this letter contains is a malicious lie, for you certainly know that you had my time for 24 days without cost, and besides I collected for you, above all expenses, over $500 while I was in Chicago.

We have asked Col. Mulhall to present the letter referred to that was written by you, but he has not been able to locate it. Can you recall what the contents of that letter are?

Mr. MCMICHAEL. Yes, sir; I wrote that letter at the suggestion and dictation——

Mr. STAFFORD (interposing). Not this letter?

Mr. MCMICHAEL. This letter that he has reference to.

Mr. STAFFORD. This letter that he has reference to?

Mr. MCMICHAEL. At the dictation and suggestion of McDermott. It was when McDermott came back, and I think—I do not know whether the Harold McCormick check had come in or not, but in my writing this letter, and McDermott having me write this letter, it was to convince me beyond a question of doubt that this man Mulhall did not get the money, and I was not entitled to the $75; and in answer to this letter I wrote Mulhall, and I think this is the answer to it, this in which he called me a petty grafter, which led up to a row in Fritz Reuter's, and McDermott told——

Mr. STAFFORD. A row between whom?

Mr. MCMICHAEL. Mulhall and me. I refused to listen to him, and told him I would have nothing to do with him. I told him—I think I said he had skinned or robbed, or something to that effect, and he had gone to Chicago to "jim," meaning he had mixed the whole affair up, and did no good. I said, "Listen to me." I said, "I do not want to have any talk with you." He said: "I am going to get you discharged." McDermott told me he did come to his office and demand that I be discharged, and I said, "What did you tell him?" He said, "I told him I was going to fire you, and I would not tell you anything." That was the whole object in writing that letter, and McDermott's object in dictating that letter to which this is an answer.

Mr. STAFFORD. As I recall your previous examination, you never kept any copies of letters sent to Mulhall or other persons?

Mr. MCMICHAEL. No; I never did. I never had any desire to keep anybody's letters.

Mr. EASBY-SMITH. In testifying about this letter, you said that Mr. McDermott had told you that Mr. Mulhall had gone to Chicago and had not done any good, and therefore you were not entitled to your $75. Was there an agreement about that $75?

Mr. MCMICHAEL. Yes, sir.

Mr. EASBY-SMITH. Tell us what it was.

Mr. MCMICHAEL. McDermott requested me to advance money to Mulhall, and said he would give it back.

Mr. EASBY-SMITH. Were there any conditions under which he would give it back?

Mr. MCMICHAEL. The conditions were that Mulhall was going to help him, and that Mulhall went out there and did not do it, and again, in getting the man "in bad," getting him in a hole, you would not expect the man to return the money.

Mr. EASBY-SMITH. What agreement did you have with Mulhall as to getting money from him on account of the money raised in Chicago?

Mr. McMICHAEL. I do not think I had any agreement with him. I think the agreement was between him and McDermott.

Mr. EASBY-SMITH. Mulhall has testified that a proposition——

Mr. McMICHAEL (interposing). Just one second.

Mr. EASBY-SMITH. Certainly; I did not intend to interrupt you.

Mr. McMICHAEL. I think the agreement was between him and Mulhall to this extent, that they were to get half and half, and out of the half Mulhall was to get he said he would not forget me. He did not, I believe, stipulate how much.

Mr. EASBY-SMITH. Your understanding was that Mulhall was to get half he collected, and that Mulhall was going to take care of you out of his half?

Mr. McMICHAEL. If he got any money; the proposition was he would get about $6,000, and there is a big difference between $6,000 and $750.

Mr. EASBY-SMITH. That was the expectation?

Mr. McMICHAEL. Yes, sir; that he was to get about five or six thousand.

Mr. EASBY-SMITH. That was on the part of Mulhall. Now, on your part?

Mr. McMICHAEL. On my part, in what respect?

Mr. EASBY-SMITH. I mean, at that time your expectation was he would get five or six thousand dollars?

Mr. McMICHAEL. Yes, sir.

Mr. EASBY-SMITH. And you expected Mulhall to get half of that, $2,500 or $3,000?

Mr. McMICHAEL. That was the agreement between him and McDermott.

Mr. EASBY-SMITH. He was to take care of you out of that?

Mr. McMICHAEL. He said he would give me money.

Mr. EASBY-SMITH. Did he say he would give you half, or anything like that?

Mr. McMICHAEL. No, sir.

Mr. EASBY-SMITH. Just to take care of you?

Mr. McMICHAEL. Yes, sir; to give me something out of that.

Mr. EASBY-SMITH. Tell us what Mulhall told you about the $250 check of McCormick? Did Mulhall ever tell you that he cashed that check and kept the money?

Mr. McMICHAEL. He cashed it——

Mr. EASBY-SMITH (interposing). That he, Mulhall, cashed the check and kept the money?

Mr. McMICHAEL. That is, he said he cashed in Baltimore and got the money for it.

Mr. EASBY-SMITH. He never had to pay that check back, as you understood, or pay the money back?

Mr. McMICHAEL. No, sir. I know that McDermott paid it back.

Mr. EASBY-SMITH. That is, McDermott, having cashed a duplicate and reimbursed the McCormick people, paid back the $250. Now, what I want to ask is this: Did Mulhall tell you that that $250 did not cover his expenses out there?

Mr. McMICHAEL. No; I can not say whether he said that or not.

Mr. EASBY-SMITH. Did he make any explanation to you as to whether or not any of that $250 was coming to you?

Mr. McMICHAEL. No, sir.

Mr. EASBY-SMITH. You never asked him about that?
Mr. MCMICHAEL. No, sir; he never gave me a cent of it.
Mr. EASBY-SMITH. That is all.
The CHAIRMAN. You may stand aside, Mr. McMichael.
Mr. EASBY-SMITH. I will now call Mr. Humphrey Shaw.

TESTIMONY OF HUMPHREY SHAW.

(The witness was duly sworn by the chairman.)
Mr. EASBY-SMITH. State your full name.
Mr. SHAW. Humphrey S. Shaw.
Mr. EASBY-SMITH. How old are you?
Mr. SHAW. Twenty-two years.
Mr. EASBY-SMITH. What is your present occupation?
Mr. SHAW. I am a law student.
Mr. EASBY-SMITH. In this city?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Do you know Mr. James T. McDermott?
Mr. SHAW. I do.
Mr. EASBY-SMITH. How long have you known him?
Mr. SHAW. I first became acquainted with Mr. McDermott in January or February, 1910.
Mr. EASBY-SMITH. What was your occupation at that time, Mr. Shaw?
Mr. SHAW. I was a page on the floor of the House.
Mr. EASBY-SMITH. Telegraph page?
Mr. SHAW. Telegraph page; yes, sir.
Mr. EASBY-SMITH. Will you state whether or not you went to work for Mr. McDermott in January or February, 1910?
Mr. SHAW. I did.
Mr. EASBY-SMITH. Did you know Mr. Arthur West, who immediately preceded you as Mr. McDermott's secretary?
Mr. SHAW. Yes. I later on met Mr. West.
Mr. EASBY-SMITH. You later met him?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Will you state, Mr. Shaw, during what hours of the day you worked for Mr. McDermott, and where you did the work.
Mr. SHAW. I reported at 9 o'clock in the morning at Mr. McDermott's office and worked up until a quarter of 12, when I reported on the floor of the House. I did not have to report on the floor until 12 o'clock.
Mr. EASBY-SMITH. Where was Mr. McDermott's office at the time you first went in his employ?
Mr. SHAW. Room 323.
Mr. EASBY-SMITH. In this building?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Where it is at the present time?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Was his office there the entire time you worked for him?
Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Did your work for Mr. McDermott in any manner interfere with your proper duties as telegraph page of the House?

Mr. SHAW. No, sir; it did not.

Mr. EASBY-SMITH. What did Mr. McDermott pay you while you were working for him during the sessions of Congress?

Mr. SHAW. $25 a month.

Mr. EASBY-SMITH. Did you know where the other part of the $1,500 was paid?

Mr. SHAW. I understood Mr. McDermott had some of his work done at the Chicago end of the line.

Mr. EASBY-SMITH. And was paying some one there?

Mr. SHAW. Was paying some one there; yes, sir.

Mr. EASBY-SMITH. Do you know whether that was Mr. Fleming, Mr. George Fleming, his brother-in-law?

Mr. SHAW. Yes, sir; I understood so.

Mr. EASBY-SMITH. From your knowledge of the work, do you know whether Mr. Fleming was doing official work for Mr. McDermott at that time?

Mr. SHAW. Yes, sir; he was.

Mr. EASBY-SMITH. You knew that from correspondence and otherwise?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Now, after the close of the session of 1910—do you recall when that session closed?

Mr. SHAW. The latter part of June.

Mr. EASBY-SMITH. Did you go to Chicago with Mr. McDermott then?

Mr. SHAW. Yes, sir; I did.

Mr. EASBY-SMITH. And how long did you stay there with him?

Mr. SHAW. I went to Chicago July 5 and remained there until November 20.

Mr. EASBY-SMITH. While you were working for him in Chicago what did he pay you?

Mr. SHAW. $15 a week.

Mr. EASBY-SMITH. Do you know who was getting the balance of the $125?

Mr. SHAW. Well, he was employing others in the office at that time.

Mr. EASBY-SMITH. Employing others out there? Now, I want to know, after you came back here in December, 1910, did you continue to act as his secretary?

Mr. SHAW. I did, working the usual hours.

Mr. EASBY-SMITH. Until what date?

Mr. SHAW. Until the end of the extra session, in August, 1911.

Mr. EASBY-SMITH. You did not work for him after that date?

Mr. SHAW. No, sir; I did not.

Mr. EASBY-SMITH. Do you know who did Mr. McDermott's clerical work after that?

Mr. SHAW. No; I do not.

Mr. EASBY-SMITH. You do not know?

Mr. SHAW. I do not know.

Mr. EASBY-SMITH. During that period, now, from January or February, 1910, until August, 1911, who attended to Mr. McDermott's correspondence?

Mr. SHAW. I did.

Mr. EASBY-SMITH. Who opened his mail?

Mr. SHAW. I did.

Mr. EASBY-SMITH. Who wrote his letters?

Mr. SHAW. I did.

Mr. EASBY-SMITH. During that entire period, did Mr. McMichael ever open Mr. McDermott's mail, or attend to his correspondence, or write his letters?

Mr. SHAW. Well, on several occasions Mr. McMichael got to the office before I did and opened the letters; but that never occurred very often.

Mr. EASBY-SMITH. Yes. Will you state whether or not, during that period, the mail and correspondence having been opened, Mr. McMichael had access to it?

Mr. SHAW. Yes; I think he might have had access to it.

Mr. EASBY-SMITH. Will you state whether or not, during that period from early in 1910 until August of 1911, Mr. McMichael was frequently in Mr. McDermott's office?

Mr. SHAW. Yes; he was.

Mr. EASBY-SMITH. How frequently?

Mr. SHAW. Why, at times he came around for two or three weeks every day, and then again you would not see him around the office for two or three weeks at a time.

Mr. EASBY-SMITH. What, if anything, did he do in connection with Mr. McDermott's official work?

Mr. SHAW. Well, he did not seem to do anything particular, except take care of some books, or the like of that.

Mr. EASBY-SMITH. Do you recall at any time during the period when you worked for Mr. McDermott anything about his being interested in an airship proposition?

Mr. SHAW. Yes, sir; I do.

Mr. EASBY-SMITH. Tell us, as nearly as you can fix it, when Mr. McDermott was so interested.

Mr. SHAW. Well, it was the early part of 1911.

Mr. EASBY-SMITH. And how long did that continue—until after you left him?

Mr. SHAW. Until after I left him; yes, sir.

Mr. EASBY-SMITH. Will you state whether or not you recall Mr. McDermott making trips to New York or Connecticut on this matter?

Mr. SHAW. Yes, sir; he did.

Mr. EASBY-SMITH. About how many trips, if you remember?

Mr. SHAW. I would say four or five.

Mr. EASBY-SMITH. Do you recollect whether or not Mr. McMichael ever accompanied him on these trips?

Mr. SHAW. I do not.

Mr. EASBY-SMITH. Do you know or did you hear at that time from Mr. McDermott or Mr. McMichael whether Mr. McMichael was financially interested in this airship also?

Mr. SHAW. Well, he seemed to be.

Mr. EASBY-SMITH. What, if anything, do you remember about drafts being drawn on Mr. McDermott during that period, which he had to take care of in connection with the airship proposition?

Mr. SHAW. Well, there were one or two parties that seemed to be drawing drafts and putting him in a hole all the time.

Mr. EASBY-SMITH. Putting Mr. McDermott in a hole all the time?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Do you know whether or not a that time he had to hustle around and borrow money to take care of these drafts?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. Did you ever know, Mr. Shaw, of Mr. McDermott's getting the clerk's check ahead of time and get it cashed anywhere so as to get money in advance?
Mr. SHAW. Not to my knowledge.
Mr. EASBY-SMITH. Did you ever hear him say anything about his doing that?
Mr. SHAW. No, sir; I did not.
Mr. EASBY-SMITH. Did you ever hear of his writing a letter to the Clerk of the House saying that you or any other employee were in a hole and he would like to get the check in advance?
Mr. SHAW. No, sir.
Mr. EASBY-SMITH. Mr. Shaw, did you ever see or know Mr. Mulhall?
Mr. SHAW. Yes, sir; I did see him.
Mr. EASBY-SMITH. State the first occasion when you ever saw Mr. Mulhall.
Mr. SHAW. The first time I ever saw Mr. Mulhall was in the spring of 1911.
Mr. EASBY-SMITH. Tell me, now, how you fix that date or time?
Mr. SHAW. Well, it was in the spring, and everything just seemed to be getting green at that time; I should say it was in April.
Mr. EASBY-SMITH. Why do you say it was the year 1911?
Mr. SHAW. Because that was the year in which Mr. McDermott became interested in the airship proposition.
Mr. EASBY-SMITH. Prior to your first seeing Mr. Mulhall had you ever heard his name?
Mr. SHAW. Yes, sir; I had.
Mr. EASBY-SMITH. From whom?
Mr. SHAW. From Mr. McMichael.
Mr. EASBY-SMITH. Had you ever heard it from Mr. McDermott?
Mr. SHAW. No, sir; I did not.
Mr. EASBY-SMITH. Tell us, if you please, what you heard from Mr. McMichael concerning Mr. Mulhall.
Mr. SHAW. Well, at that time both parties were very much interested in this airship proposition, and these other parties had been drawing drafts on him, and they needed money to put the thing through, as I understood it at that time; and Mr. McMichael came up to the office one day and stated, "Well," he says, "Mac, I have got an old guy that has got all sorts of 'cush'"; and he said, "If we can get him to back this company we will be 'soft'—we will be in clover." [Laughter.]
Mr. EASBY-SMITH. Wait a minute. Do you know what the slang "has all sorts of cush"; do you know what that word "cush" means? It is a new one to me.
Mr. SHAW. I understood he had the money.
Mr. EASBY-SMITH. You understood he had the money?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. And who did he say this "old guy" was that had all sorts of cush?

Mr. SHAW. Mr. McDermott said "Who is the guy?" He said, "Col. Mulhall."

Mr. EASBY-SMITH. Just a moment there. Had you ever, prior to that time, heard Mr. McMichael mention Mr. Mulhall?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Well, now, we will come back to this. But I want to get back to the first time you ever recollect hearing Mr. McMichael mention Mr. Mulhall.

Mr. SHAW. Well, I will say it was in the spring of 1911 before I ever heard Mr. McMichael——

Mr. EASBY-SMITH (interposing). Was it prior to this conversation about the "old guy having cush?"

Mr. SHAW. No, sir; it was not.

Mr. EASBY-SMITH. That is what I want to get at; was that the first time you ever heard Mr. McMichael mention Mr. Mulhall?

Mr. SHAW. Positively; yes, sir.

Mr. EASBY-SMITH. Now, go ahead and relate that full conversation between Mr. McMichael and Mr. McDermott concerning "the old guy."

Mr. SHAW. Well, of course, Mr. McMichael stated this old guy had all kinds of cush and if he would back the company they would be in clover, and Mr. McDermott asked, "Who is this guy?" and he said "Col. Mulhall," and Mr. McDermott said, "That old guy? I don't want to have anything to do with him; he is the fellow that they tried to tell me something about"—I do not remember just what it was, but he said, "He is the fellow they tried to tell me something about." I do not just recall just what that something was, though.

Mr. EASBY-SMITH. Go ahead, and tell us all you remember of the remainder of the conversation.

Mr. SHAW. Well, I think it was three or four days after that——

Mr. EASBY-SMITH (interposing). Wait a minute. Was there anything further in that conversation? How did Mr. McDermott meet that suggestion; what did he say? What was the upshot of that whole conversation?

Mr. SHAW. That was all of that conversation.

Mr. EASBY-SMITH. Yes; well, go ahead.

Mr. SHAW. And three or four days later Mr. McMichael came into the office smiling, with Col. Mulhall at his heels; and I was typewriting at a typewriting desk and Mr. McDermott was at his desk, and upon Mr. McMichael and Mr. Mulhall entering the room Mr. McDermott turned around in his chair and I looked up at the same time and sort of halfway got up to make room for them to pass, and Mr. McDermott also got up, and Mr. McMichael stated, he said, "Col. Mulhall," he says, "I want you to meet the Congressman, McDermott."

Mr. EASBY-SMITH. The Congressman McDermott?

Mr. SHAW. I particularly remembered that because he used the word "the."

Mr. EASBY-SMITH. Yes; go ahead and tell us all you remember.

Mr. SHAW. And Mr. McDermott, as I said, got up, and there was a sort of restraint in his manner, or something, and he hesitated, and

they finally sat down there. Then Mr. McMichael and I remained in the room for about five minutes and Mr. McMichael went out first.

Mr. EASBY-SMITH. Wait a minute. Tell us all that you heard that passed between Mr. McDermott and Mr. Mulhall. When they sat down there what did they talk about?

Mr. SHAW. Well, they talked something about the airship.

Mr. EASBY-SMITH. Now, you say that Mr. McMichael went out?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Did you go out, too?

Mr. SHAW. Yes, sir; I followed him.

Mr. EASBY-SMITH. Where did you go and how long did you stay out?

Mr. SHAW. I went down the corridor, and later on I returned and met Mr. McMichael in the corridor and I started a conversation with him, and at the end of 30 or 45 minutes both of us returned to the office, and Mr. McDermott was alone in the office at that time.

Mr. EASBY-SMITH. Did Mr. McDermott suggest that you go out?

Mr. SHAW. No, sir; he did not.

Mr. EASBY-SMITH. Did Mr. Mulhall suggest that you go out?

Mr. SHAW. No, sir; he did not.

Mr. EASBY-SMITH. Now, you say when you got back there Mr. McDermott was alone?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Well, now, Mr. Shaw, I should like to know, if you recollect, whether or not in the portion of the conversation you heard there was any mention made of Mr. Murphy, the inventor of the aeroplane?

Mr. SHAW. Not that I can recall; no sir.

Mr. EASBY-SMITH. Do you have any recollection of a letter of introduction which Mr. Mulhall wrote to a Mr. Jarvis introducing Mr. Murphy?

Mr. SHAW. No; I do not.

Mr. EASBY-SMITH. Now, I want to see if I can refresh your recollection; I do not care whether you do know anything or not; but will you take Senate part 35, look on the print, and see if it is part 35?

Mr. SHAW (examining paper). Thirty-five; yes, sir.

Mr. EASBY-SMITH. Now turn to page 3338.

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. And read that letter to Mr. Jarvis. I would like to know if after reading that letter you had any knowledge of that letter?

Mr. SHAW (examining paper). No, sir; not that I can recall.

Mr. EASBY-SMITH. You never heard it mentioned?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. Now, looking to the date, can you state whether or not this conversation, this meeting between Mr. Mulhall and Mr. McDermott, was about that time?

Mr. SHAW. Yes, sir; that was in the spring of 1911.

Mr. EASBY-SMITH. The spring of 1911, but you do not know anything about the giving of this letter?

Mr. SHAW. No, sir; I do not.

Mr. EASBY-SMITH. Mr. Shaw, do you know anything about the occupancy of rooms No. 27 and No. 29, or either of them, in the basement of the Capitol?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. I want you to tell the committee, if you please, all that you know about it.

Mr. SHAW. Well, at the close of the extra session in 1911 Mr. McDermott handed me a key, and he stated that I could take my books and go over there to study if I cared to during the summer.

Mr. STAFFORD. When was that?

Mr. SHAW. At the end of the extra session of 1911.

Mr. EASBY-SMITH. What was the principal legislation, if you recall, enacted during that special session?

Mr. SHAW. It was the reciprocity—reciprocity was being considered.

Mr. EASBY-SMITH. That was the reciprocity session?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Now, then, the key to what room was it that he gave you?

Mr. SHAW. Well, it was the key to the room of the Committee on Expenditures in the Department of Commerce and Labor; I do not recall the number of the room.

Mr. EASBY-SMITH. Do you remember whether or not Mr. McDermott at that time had any connection with that committee?

Mr. SHAW. I think that he was a member of that committee?

Mr. EASBY-SMITH. Yes. Do you recall whether or not he was chairman of a subcommittee, or investigated the Alaska seal business, or something of that sort?

Mr. SHAW. No; I do not recall that.

Mr. EASBY-SMITH. All right. He gave you the key to this room, No. 29, and what did he tell you?

Mr. SHAW. He told me that I could take my books over there and study.

Mr. EASBY-SMITH. What books were they, Mr. Shaw?

Mr. SHAW. My law books.

Mr. EASBY-SMITH. Your law books?

Mr. SHAW. Yes; and I might also say that I took my personal correspondence over there, and other pamphlets and the like of that.

Mr. EASBY-SMITH. Well, now, was it much of a bundle that you took over there?

Mr. SHAW. Well, it occupied half of an ordinary desk.

Mr. EASBY-SMITH. You occupied half of an ordinary desk, did you?

Mr. SHAW. Yes, sir; I did.

Mr. EASBY-SMITH. Now, I want you to fix, as nearly as you can, for me when you did that?

Mr. SHAW. That was at the end of the extra session.

Mr. EASBY-SMITH. That was in June—or August, 1911?

Mr. SHAW. In August, 1911; yes, sir.

Mr. EASBY-SMITH. When you went into that room on that occasion, Mr. Shaw, I want you to describe its condition.

Mr. SHAW. Why, it seemed as if it had been vacant for some time. There were papers lying on the floor, and it also was dusty.

Mr. EASBY-SMITH. Did you have any occasion to enter that room during that summer after you had the key to it?

Mr. SHAW. Yes, sir; I did.

Mr. EASBY-SMITH. Well, now, tell us each and every occasion when you entered it, and the condition in which you found it when you entered it.

Mr. SHAW. Well, for the first month after the extra session, I went there almost every day and stayed there a short while.

Mr. EASBY-SMITH. Studying?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. After that—during that time, did you ever see Mr. McMichael and Mr. Mulhall in that room?

Mr. SHAW. No, sir; I never did.

Mr. EASBY-SMITH. I will stop right there to ask you a general question. Will you state whether or not during the time you were Mr. McDermott's secretary you ever saw Mr. Mulhall in his room in this House Office Building, except on the occasion you have related?

Mr. SHAW. No, sir; I never did.

Mr. EASBY-SMITH. Now, return, if you please, to the room, and tell us, after you occupied it for a while in studying, when you had occasion to enter it?

Mr. SHAW. After that I dropped into it about once in three or four weeks, until up in November, when I returned to the room at one time, and I found all my letters and books turned topsy-turvy, and I thought perhaps somebody else had access to the room, and I therefore took my books out.

Mr. EASBY-SMITH. Did you have—I did not mean to interrupt you——

Mr. SHAW. That was all I had to do with the room after that.

Mr. EASBY-SMITH. Yes. Will you state whether or not you had any conversation with Mr. McMichael about the condition in which you found your books and papers?

Mr. SHAW. I saw him later at one time, and he stated that he was looking for certain papers.

Mr. EASBY-SMITH. He said he was looking through your stuff for certain papers?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Did he say whose papers?

Mr. SHAW. I think he said Mr. McDermott's.

Mr. EASBY-SMITH. You think he said Mr. McDermott's?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. About when was it he told you that? You say you went back there and found this condition in November. How soon after was it that Mr. McMichael told you that?

Mr. SHAW. It might have been that next December.

Mr. EASBY-SMITH. Next December? Did I ask you whether or not you ever saw Mr. Mulhall and Mr. McMichael in that room?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. And did you?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. State, Mr. Shaw, what you know as to Mr. McMichael having any keys belonging to Mr. McDermott.

Mr. SHAW. Well, he had keys, he had a key to a room in this building, and, of course, naturally he must have had one in order to have gotten into room 29.

Mr. EASBY-SMITH. He did have a key to that room?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Did he tell you that he did?

Mr. SHAW. He told me that he was in there looking for certain papers, and I inferred from that that he had a key to the room.

Mr. EASBY-SMITH. Did he tell you that he had a key and went in there for that or any other purpose?

Mr. SHAW. No, sir.

The CHAIRMAN. Were you ever in that room before the end of the extra session in 1911?

Mr. SHAW. No, sir; I never was.

The CHAIRMAN. Do you know that Mr. McDermott had that room during the extra session?

Mr. SHAW. No; he did not have the room at that time—during the extra session, the reciprocity session.

The CHAIRMAN. How do you know that?

Mr. SHAW. Well, he gave me one of the keys right at the end of that session.

The CHAIRMAN. Go ahead, Mr. Easby-Smith, I did not want to interrupt you in your examination.

Mr. EASBY-SMITH. I want you to state again whether or not, at the end of the session, when you first entered the room and took your stuff there it had any appearance of having been recently occupied?

Mr. SHAW. No, sir; it was still in the same condition.

Mr. EASBY-SMITH. No; I am talking about when you first went into it.

Mr. SHAW. When I first went into it?

Mr. EASBY-SMITH. Yes. What was its condition?

Mr. SHAW. It was topsy-turvy.

Mr. EASBY-SMITH. Did it have a telephone in it?

Mr. SHAW. No, sir; it did not.

Mr. EASBY-SMITH. What, if anything, Mr. Shaw, can you tell us about Mr. Tavenner and Mr. West doing any work in Mr. McDermott's room in this House Office Building?

Mr. SHAW. Why, Mr. Tavenner did his work in the House Office Building up to the end of the extra session.

Mr. EASBY-SMITH. Who worked for him?

Mr. SHAW. Why, a young lady was employed in the office there getting up the circular letter.

Mr. EASBY-SMITH. That was Miss Frances Rote?

Mr. SHAW. Yes, sir; it was.

Mr. EASBY-SMITH. And was Mr. West there with him?

Mr. SHAW. Why, I think Mr. West came there; it was the latter part of the session.

Mr. EASBY-SMITH. Now, at the end of that session do you know where Mr. Tavenner and Mr. West went?

Mr. SHAW. They secured a room next door to this room in question.

Mr. EASBY-SMITH. That is, room No. 27?

Mr. SHAW. That is room No. 27 that they occupied.

Mr. EASBY-SMITH. Now, I want you to describe to the committee the location of those rooms, so that we may be clear as to whether or not you distinguish them in your own mind.

Mr. SHAW. Well, coming down in the elevator there, room No. 29 was the first one, and as you proceed down the hallway there was room No. 27, which was the next one.

Mr. EASBY-SMITH. Now, in reference to the stairway coming down through the center of the building, where is room No. 27 and where is room No. 29?

Mr. SHAW. Room No. 27 is the first room—occupied by Mr. Tavenner and Mr. West.

Mr. EASBY-SMITH. Yes. Now, were you ever in that room occupied by Mr. Tavenner and Mr. West?

Mr. SHAW. At times I dropped in.

Mr. EASBY-SMITH. Whom did you see in there?

Mr. SHAW. I saw the three parties, Mr. Tavenner at times, Mr. West, and the young lady, Miss Rote.

Mr. EASBY-SMITH. Miss Rote. Did you ever see Mr. McMichael in there?

Mr. SHAW. Not that I can recall.

Mr. EASBY-SMITH. Did you ever see Mr. Mulhall in the room?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. There is testimony here, Mr. Shaw, to the effect—by Mr. Mulhall—that Mr. McDermott gave instructions to Mr. McMichael to give him, Mr. Mulhall, Mr. Gompers's weekly or monthly letter. Describe what sort of weekly or monthly letter was received from Mr. Gompers. Was it printed or not?

Mr. SHAW. Well, it seemed to be a mimeograph letter.

Mr. EASBY-SMITH. A mimeograph letter?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. Will you state what was done with them during the period of your employment in Mr. McDermott's office?

Mr. SHAW. I placed them on a file.

Mr. EASBY-SMITH. You did that personally, yourself?

Mr. SHAW. Yes.

Mr. EASBY-SMITH. Did that file remain there?

Mr. SHAW. Well, anybody could come in and look at it; it was right in the view of everybody there. I did not put it in any drawer or closet.

Mr. EASBY-SMITH. Did you ever hear, in any manner, of those letters being turned over by Mr. McDermott or Mr. McMichael to Mr. Mulhall or to any other person?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. Do you recall, during the period when you worked for him, whether or not Mr. McDermott was in correspondence—personal correspondence—and communication with Mr. Gompers or other labor leaders?

Mr. SHAW. No, sir; not that I can recall.

Mr. EASBY-SMITH. Not that you can recall?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. Do you recall any such correspondence or letters being turned over to Mr. McMichael or to Mr. Mulhall?

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. I believe that you were in Chicago with Mr. McDermott in the 1910 primary campaign?

Mr. SHAW. Yes, sir; I was.

Mr. EASBY-SMITH. Did you remain throughout the congressional election of that year?

Mr. SHAW. Yes, sir; I did.

Mr. EASBY-SMITH. Will you state who was Mr. McDermott's opponent at the primaries?

Mr. SHAW. Edward J. Rainey.

Mr. EASBY-SMITH. Will you state whether or not he gave Mr. McDermott a hard fight, or not?

Mr. SHAW. Yes, sir; it was a very hard campaign.

Mr. EASBY-SMITH. A very hard campaign. Mr. Rainey fought it out until the last, did he?

Mr. SHAW. Yes, sir; he did.

Mr. EASBY-SMITH. Mr. Shaw, does there come to your mind any fact bearing upon this matter concerning which I have not questioned you? If so, I would like for you to make a general statement, and state any other facts you know in connection with Mr. McDermott, your employment with him, or Mr. McMichael, or Mr. Mulhall.

Mr. SHAW. No, sir.

Mr. EASBY-SMITH. I beg your pardon?

Mr. SHAW. What was that question?

Mr. EASBY-SMITH. I want you to state if I have omitted asking you anything that you know?

Mr. SHAW. Nothing that I can recall right now.

Mr. EASBY-SMITH. Nothing that you can recall right now. That is all, Mr. Chairman.

The CHAIRMAN. Speaking of that room, you say that Mr. McDermott did not get possession of it until the end of the session. How do you know that, Mr. Shaw?

Mr. SHAW. Well, I really do not know it, but I inferred that from the condition of the room when I went into it.

The CHAIRMAN. You never heard him speak of using it?

Mr. SHAW. No, sir.

The CHAIRMAN. You never heard Mr. McMichael speak of using it for any purpose, did you?

Mr. SHAW. No, sir.

The CHAIRMAN. Do you know anything about the room being used at one time by the pages of the House?

Mr. SHAW. Why, that was Mr. Tavenner's room that was used by the pages of the House.

The CHAIRMAN. That was Mr. Tavenner's room, and not room 29?

Mr. SHAW. Yes; that was Mr. Tavenner's room.

The CHAIRMAN. And did you say that you saw Mr. McMichael in that room, No. 29?

Mr. SHAW. I never saw him in it.

The CHAIRMAN. I thought you spoke of seeing him in there when he came in for papers.

Mr. SHAW. No; I was out of the room at the time, and I came in one day and found all the papers upset, and it looked to me as though they had been gone through, and I inferred Mr. McMichael had been in the room.

The CHAIRMAN. How did you learn it was he?

Mr. SHAW. Later on Mr. McMichael stated to me that he had gone there to look for some papers.

The CHAIRMAN. And the room bore every appearance of not having been used when you began to use it, did it?

Mr. SHAW. Yes, sir; it looked as if it never had.

The CHAIRMAN. Did it have any books or other things stored in it, besides what you brought in there?

Mr. SHAW. No, sir; I think the former chairman may have had some committee bills and the like of that in it, but aside from that there was not anything in it.

The CHAIRMAN. The former chairman?

Mr. SHAW. Yes, sir; Mr. D. J. Foster, I think. Some of Mr. Foster's literature was in there.

The CHAIRMAN Now, you were in Mr McDermott's office practically every morning during the special session of 1911, were you?

Mr. SHAW. Yes, sir; I was.

The CHAIRMAN. Did you ever see George Horning in there?

Mr. SHAW. Well——

The CHAIRMAN (interposing). You know Mr. Horning, do you not?

Mr. SHAW. I know him by sight; yes, sir. Well, I saw him in the corridors, and once or twice he may have dropped into Mr. McDermott's office.

The CHAIRMAN. Did you ever hear him and Mr. McDermott discuss the loan-shark bill that we have had a good deal of testimony about?

Mr. SHAW. No, sir.

The CHAIRMAN. You remember that loan-shark bill, do you not?

Mr. SHAW. Yes, sir. I never heard it discussed between Mr. Horning and Mr. McDermott.

The CHAIRMAN. Did you ever hear Mr. McDermott discuss that bill in his office—did he ever discuss it with you?

Mr. SHAW. No, sir; he never did.

The CHAIRMAN. He never said anything about his attitude toward the bill to you?

Mr. SHAW. No, sir; he never did.

The CHAIRMAN. Did Mr. McDermott ever discuss legislative matters with you to any extent?

Mr. SHAW. No, sir; he never discussed them with me.

The CHAIRMAN. He did not take up any particular questions and talk with you about them?

Mr. SHAW. Well, no; but from his campaign in Chicago he was very much in favor of labor.

The CHAIRMAN. I was just asking about what discussions he had with you, if any, whether or not——

Mr. SHAW. Yes, sir.

The CHAIRMAN. Would Mr. McDermott usually be in his office all the time you were there on those mornings?

Mr. SHAW. Every morning—except on the occasions when he went up to Bridgeport, as I understand.

The CHAIRMAN. How long was he gone up there?

Mr. SHAW. Never more than two or three days.

The CHAIRMAN. And it was only in the mornings that you rendered him services?

Mr. SHAW. Yes, sir.

The CHAIRMAN. You did not go to his office afternoons at all, or at night?

Mr. SHAW. No, sir.

The CHAIRMAN. Did you ever see any of the other—do you know Mr. Heidenheimer and Mr. Burnstine? Do you know those gentlemen?

Mr. SHAW. No, sir; I do not.

The CHAIRMAN. Did you ever see any of them—I will state to you they are pawnbrokers here in the city. Who was with Mr. Horning the times that he called at Mr. McDermott's office—you say you saw him there?

Mr. SHAW. Why, he seemed to be alone at the time.

The CHAIRMAN. What did they talk about while he was there?

Mr. SHAW. Mostly about personal affairs. They seemed to be acquainted before Mr. McDermott came to Congress.

The CHAIRMAN. They seemed to have been acquainted before Mr. McDermott came to Congress?

Mr. SHAW. Well—at least they led me to believe that Mr. McDermott had known him ever since he had been in office.

The CHAIRMAN. When you say "personal affairs," do you mean personal financial affairs, or——

Mr. SHAW (interposing). No, sir; I meant that Mr. Horning would come in and ask how——

The CHAIRMAN (interposing). Mutual acquaintances?

Mr. SHAW. Mr. Horning came in on two or three occasions, and just inquired how "little Jimmie" was and Mr. McDermott's wife.

The CHAIRMAN. They never discussed any private business matters in your presence?

Mr. SHAW. No, sir.

The CHAIRMAN. Or a loan made to Mr. McDermott, or anything of that character?

Mr. SHAW. They never did, sir.

The CHAIRMAN. Did you ever retire from the room at any time they were in there that you remember?

Mr. SHAW. No, sir; I never did.

The CHAIRMAN. How many times do you remember Mr. Horning being there?

Mr. SHAW. Oh, he just dropped in; I would say it would not be more than two minutes; and dropped in—not more than two or three times.

The CHAIRMAN. Did any representatives of the so-called labor people come to the office very often there?

Mr. SHAW. No; I would say not.

The CHAIRMAN. Did Mr. Gompers ever visit that office?

Mr. SHAW. Not that I can recall.

The CHAIRMAN. Do you know Mr. P. J. Ryan here in this city, who was said to be connected in some way with the labor people?

Mr. SHAW. There was one party that came into the office. I do not know who he was. But he was connected with some labor union here in the city, and Mr. McDermott gave him seeds and books and the likes of that; every time he came to the office Mr. McDermott gave him some books or sent an order to the Department of Agriculture for seeds and vines.

The CHAIRMAN. Do you know who he was?

Mr. SHAW. I do not recall right now, but I could identify the man if I saw him.

The CHAIRMAN. What kind of a looking man was he?

Mr. SHAW. He is a rather tall, heavy-set gentleman.
The CHAIRMAN. How old is he?
Mr. SHAW. I should imagine he was 40 or 45.
The CHAIRMAN. Does he wear a beard, or is he smooth shaven?
Mr. SHAW. No, sir; he does not.
The CHAIRMAN. I think that is all.
Mr. STAFFORD. Were you ever present when Mr. McMichael used the telephone in Mr. McDermott's office?
Mr. SHAW. Yes; I was present.
Mr. STAFFORD. To whom would he telephone?
Mr. SHAW. Well, I can not remember who he ever telephoned to; it was always city calls when I was in the office.
Mr. STAFFORD. Were you ever present when he called up Mr. Mulhall?
Mr. SHAW. No, sir; I never was present when he called up Mr. Mulhall.
Mr. STAFFORD. What was the condition of that secret room—or, rather, the room to which you were given a key by Mr. McDermott at the close of the special session in August, 1911?
Mr. SHAW. Well, it was in a rather unclean condition; some literature was thrown on the floor, and there was a telephone that had been taken off the wall, and the wires were still hanging out, and there were several cane chairs in the room with all the seats worn through.
Mr. STAFFORD. What was the furniture in the room when you first took possession?
Mr. SHAW. Well, there was a typewriter desk which was broken, and also a large table, similar to this one here [indicating].
Mr. STAFFORD. When were the occasions that Mr. Horning called at Mr. McDermott's office?
Mr. SHAW. Well, I became connected with him in 1910—January, 1910—and before we got away, I think Mr.—I think Mr. Horning took Mr. McDermott down to the station at the end of the session in 1910, when he was going to Chicago.
Mr. STAFFORD. You say he took him in his automobile?
Mr. SHAW. Yes; down to the Union Station.
Mr. STAFFORD. When did you next see Mr. Horning?
Mr. SHAW. I saw him in the corridor of the House Office Building on several occasions.
Mr. STAFFORD. You knew that Mr. McDermott had obtained loans from Mr. Horning?
Mr. SHAW. No, sir; I did not.
Mr. STAFFORD. You never heard that Mr. McDermott was in debt to Mr. Horning?
Mr. SHAW. No, sir; I never did, sir.
Mr. STAFFORD. And you never learned that Mr. McDermott was indebted to any person while you were employed as his secretary?
Mr. SHAW. No, sir; not as I recall.
Mr. STAFFORD. You had every reason to believe that Mr. McDermott was on easy street during all the time you were present with him?
Mr. SHAW. Of course these parties drew drafts on him and put him in a hole all the time, and he had to raise funds to meet them.
Mr. STAFFORD. Who were they?

Mr. SHAW. One party by the name of Terry. I don't remember his last name, but I did meet him on one occasion.

Mr. STAFFORD. Where was he from?

Mr. SHAW. I don't know.

Mr. STAFFORD. Where did the letter come from?

Mr. SHAW. Bridgeport.

Mr. STAFFORD. Who else drew drafts on him?

Mr. SHAW. I just don't recall the other parties. There might have been one or two.

Mr. STAFFORD. In these campaigns of Mr. McDermott, with which you are acquainted, did Mr. McDermott have any assistance from any persons here in Washington, financial or otherwise?

Mr. SHAW. No, sir; it did not come to my knowledge that he did.

Mr. STAFFORD. He did not have any persons from Washington come out there to assist him?

Mr. SHAW. No, sir. I severed my connections with Mr. McDermott at the end of the extra session, in 1911.

Mr. STAFFORD. But you went through one campaign with him?

Mr. SHAW. Yes, sir; I went through one campaign with him—the 1910 campaign.

Mr. STAFFORD. And on that occassion you do not recall any assistance he received from any persons here in Washington?

Mr. SHAW. No, sir.

Mr. STAFFORD. And you do not recall any financial assistance he received in that campaign from any persons outside of Chicago?

Mr. SHAW. No, sir; I don't.

Mr. WILLIS. You have perhaps already covered this in your testimony: Did you state whether you had ever been in that room 29 before the occasion you took charge of it and used it as a study room?

Mr. SHAW. No; I never was in the room before that time.

Mr. WILLIS. You say apparently when you took charge of the room or went into the room there had been a telephone in there?

Mr. SHAW. Yes, sir.

Mr. WILLIS. And it looked as if the telephone had been taken out and there was no telephone there at that time at all?

Mr. SHAW. Yes, sir.

Mr. WILLIS. You spoke about these drafts coming in and Mr. McDermott being somewhat embarrassed in meeting them. Did he borrow from different people about that time, do you know?

Mr. SHAW. Not that I know of. He would always wait until the end of the month, or in some other way arrange with the parties to pay that draft.

Mr. WILLIS. He did not make any loans during that period?

Mr. SHAW. No; I didn't know of his borrowing money from anyone.

The CHAIRMAN. You never had any difficulty about his paying you?

Mr. SHAW. No, sir; I did not.

The CHAIRMAN. He paid you promptly?

Mr. SHAW. On a few occasions he may have been behind; pressed for funds, and I waited a week.

The CHAIRMAN. You say he was paying you $25 a week?

Mr. SHAW. $25 a month.

The CHAIRMAN. He always paid you in cash, did he; or did he give you checks?

Mr. SHAW. Well, sometimes he gave me checks and sometimes he paid me in cash.

The CHAIRMAN. Did he ever give you any checks on the Sergeant at Arms?

Mr. SHAW. Yes, sir; I think he did.

The CHAIRMAN. Did you ever have any difficulty about cashing any of those checks?

Mr. SHAW. No, sir; I never did.

The CHAIRMAN. The check which is issued to a Member in payment for clerk hire was never turned over to you, was it?

Mr. SHAW. No, sir; it never was.

The CHAIRMAN. You said awhile ago you did not know anything about its having been discounted in advance; that is, being issued in advance and cashed.

Mr. SHAW. Yes, sir; I understand.

The CHAIRMAN. You do not know anything about that?

Mr. SHAW. No, sir, I don't.

The CHAIRMAN. It may have happened or it may not have happened?

Mr. SHAW. I really don't know anything about that.

The CHAIRMAN. He never consulted with you about the use of his clerk-hire check in any way, did he?

Mr. SHAW. No, sir; he never did.

The CHAIRMAN. Do you know whether he sent those clerk-hire checks to Mr. Fleming?

Mr. SHAW. On several occasions I think he sent the checks; yes, sir.

The CHAIRMAN. The regular clerk-hire checks?

Mr. SHAW. Yes, sir.

The CHAIRMAN. They would be forwarded from the office in the mail?

Mr. SHAW. Yes, sir.

The CHAIRMAN. And you would see that sent out?

Mr. SHAW. He would write a personal letter to his brother-in-law.

Mr. FERRIS. What is your native State?

Mr. SHAW. Michigan.

Mr. FERRIS. How long did you work for Mr. McDermott?

Mr. SHAW. From January or February, 1910, through the extra session of 1911.

Mr. FERRIS. Then, how many months would that make, all told, that you worked for him?

Mr. SHAW. 19 or 20 months.

Mr. FERRIS. You worked for him in 1911?

Mr. SHAW. Yes, sir.

Mr. FERRIS. Part of the time in Chicago and part of the time here?

Mr. SHAW. Yes, sir.

Mr. FERRIS. He paid you $25 a month while here in connection with your page duties, and $15 a week over in Chicago?

Mr. SHAW. Yes, sir.

Mr. FERRIS. Did he pay you?

Mr. SHAW. Yes, sir.
Mr. FERRIS. Does he owe you anything now?
Mr. SHAW. No, sir; he does not.
Mr. FERRIS. He has paid you in full?
Mr. SHAW. Yes, sir; those services were paid in full.
The CHAIRMAN. Do you happen to know anything about any relations between Mr. McDermott and Mr. McMichael? Do you know of any money that passed between them?
Mr. SHAW. I never saw money passed between Mr. McDermott and Mr. McMichael while I was in the office.
The CHAIRMAN. Do you know anything of any contractual relations calling for any payments by him to Mr. McMichael?
Mr. SHAW. No, sir. Mr. McMichael was always willing to help. He was interested in books and seeds, and he came over when we were sending them out and helped in that way.
The CHAIRMAN. You understood Mr. McDermott was Mr. McMichael's sponsor, did you, for the position he held here after the Democrats came in power?
Mr. SHAW. Yes, sir.
Mr. STAFFORD. I assume, from your clear-cut appearance, that you know nothing about any meetings between Mr. McMichael, Mr. Mulhall, and Mr. McDermott—regular meetings, at Fritz Reuter's?
Mr. SHAW. No, sir; I don't.
Mr. STAFFORD. Let me ask, Do you know Mr. John A. McDermott, the brewery representative, of New York?
Mr. SHAW. No, sir; I do not.
Mr. STAFFORD. You never saw him in Mr. McDermott's office here?
Mr. SHAW. Not that I recall. I was never introduced to the gentleman.
Mr. STAFFORD. You don't recall any correspondence between Mr. McDermott and him?
Mr. SHAW. No, sir; I do not.
Mr. STAFFORD. And you were in his employ doing the stenographic work up to August, 1911?
Mr. SHAW. August, 1911; yes, sir.
Mr. EASBY-SMITH. I just have one or two questions, Mr. Chairman.
Mr. Shaw, do you think if I mentioned the name of this labor man who often came to the office and got seeds and documents that you would recall it?
Mr. SHAW. I don't know as I would.
Mr. EASBY-SMITH. Was it Bill Spencer?
Mr. SHAW. I don't know as I would. He was a tall, heavy-set man.
Mr. EASBY-SMITH. Do you remember if his name was Bill Spencer?
Mr. SHAW. Yes, sir; that is the man.
Mr. EASBY-SMITH. That is the man?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. He was a local labor man?
Mr. SHAW. Yes, sir.
Mr. EASBY-SMITH. One other question. You have spoken of Mr. Horning taking Mr. McDermott to the train in December, 1910?
Mr. SHAW. Well, it was the end of the session in 1910, which ended in June.
Mr. EASBY-SMITH. Now, coming back, I want to ask you whether or not you had any occasion to know that during the month of De-

cember, 1910, prior to Mr. McDermott going home for the Christmas holidays——

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH (continuing). He stayed at Mr. Horning's house during those two or three weeks the early part of the session? Did you know that?

Mr. SHAW. I think he did.

Mr. EASBY-SMITH. Did you ever have occasion to go to Mr. Horning's house for Mr. McDermott?

Mr. SHAW. No, sir; never.

Mr. EASBY-SMITH. But you knew for those two or three weeks he stayed at Mr. Horning's house?

Mr. SHAW. Yes, sir; I do. Now, I recall, I think, his little boy was sick and he sent his wife on ahead.

Mr. EASBY-SMITH. He sent his wife out to Chicago?

Mr. SHAW. Yes, sir.

Mr. EASBY-SMITH. During the spring of 1911, about the time Mr. McDermott met Mr. Mulhall, were you absent from your employment at the Capitol, on account of sickness or any other reason, for a single day or any other period?

Mr. SHAW. I was not.

Mr. EASBY-SMITH. There has been testimony offered here to the effect that on one morning in the month of April, 1911, Mr. Mulhall went into Mr. McDermott's office and found a young man, probably yourself, folding documents, and you were ordered to go out of the room; and that while you were out of the room he paid Mr. McDermott $65. Will you state whether you have any recollection of any occasion when Mr. Mulhall came there and you were ordered out of the room?

Mr. SHAW. There was only one occasion that Mr. Mulhall ever came to the room, and that was on the occasion, I think, about the airship. I can't recall any such transaction as that.

Mr. EASBY-SMITH. You were not, then, ordered to go out of the room by anybody?

Mr. SHAW. No, sir; Mr. McDermott never ordered me to go out for anybody.

The CHAIRMAN. You may be excused, Mr. Shaw.

Information has come to the committee that the President is expected to be at the Capitol at 12.15 to deliver his message, and the committee will take a recess until 2.30 o'clock.

(Thereupon, at 11.45 o'clock a. m., the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of recess.

The CHAIRMAN. All right, Mr. Easby-Smith.

Mr. EASBY-SMITH. If the committee please, I desire to be sworn as a witness. The committee being composed of lawyers will know with what reluctance I take the stand in a case which I am conducting as attorney, but I deem it essential, because my conduct has been attacked, and because of the merits of the case.

TESTIMONY OF JAMES S. EASBY-SMITH, ESQ., OF WASHINGTON, D. C.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. Mr. McDermott consulted me first about the 10th of July of this year, and I immediately began a study of the entire case so far as I could from the documents, newspaper reports, and the conferences with him, and an examination of his records.

On July 24 (and I fix the date because it was the day after the postmark on a letter I hold in my hand, which is postmarked July 23, 1913) Mr. McDermott came to my office in the morning, handed me this letter which Mr. McMichael has identified as a letter written by him. I think his remark to me was, "This fellow McMichael is trying to blackmail me." I read the letter carefully, it being a demand for money, and I had sufficiently investigated the case at that time to know that some of the newspaper statements as to what Mr. McMichael had told were false. Mr. McDermott asked me if he ought to communicate with Mr. McMichael, and I told him he ought not, but that I would do so. I asked him if he owed McMichael any money. He said that the only money which he thought he in any manner owed him was $75 which McMichael had persistently claimed he advanced Mr. Mulhall to go to Chicago in the 1912 campaign. He said he did not feel he owed him that because McMichael had advanced it without his knowledge or authority.

Mr. STAFFORD. Aren't you there testifying to confidential communications between attorney and client?

Mr. EASBY-SMITH. My client, if the committee please, has asked me to make a full statement.

I told Mr. McDermott I thought it was important to ascertain exactly what the situation was, and I told him that I would see Mr. McMichael, and advised him not to see him under any circumstances. My family was away and I was taking my dinner at restaurants, hotels, or here and there, and I asked Mr. Barker, who is a member of the bar and who is connected with the Lawyers' Title Insurance Co. in this city, and has desk room in my office, if he would go to dinner with me that evening and take a ride to Chesapeake Beach. He said he would be glad to do so. We took the 5.40 train for Chesapeake Beach. I think the only thing I said to Mr. Barker was—I was not familiar with Chesapeake Beach, and I had only been there once or twice, some years ago—I showed him the envelope and asked him if he knew where the Belvedere Hotel was. I said I was going to see if I could find a man there. We got to Chesapeake Beach and went to the Belvedere Hotel. Dinner was being served on the porch, and we sat down at a table and ordered dinner. I then left Mr. Barker at the table and went inside to the office and inquired if Mr. Mack was there, as this letter had said "Address F. R. Mack." I was told by the clerk or some one there he was not in his room, but that his key appeared to be in the rack and he was somewhere about the grounds. I asked that he be found if possible and told there was a gentleman to see him. I then examined the register of the hotel, and just as I turned away from the register some one touched me on the shoulder. I turned, and he said "Are you looking for Mr. Mack?" I said "Yes." He said "This is McMichael." I said "McMichael, I would like to see you," and he invited me into a small parlor. I

took this letter from my pocket in the envelope and said, "Mr. McMichael, I have come to see you from Mr. McDermott. You wrote him that letter?" He said "Yes." I said, "I want to know how much Mr. McDermott owes you."

I will state at this point, that in the morning in my conference with Mr. McDermott I asked him if he could pay McMichael the $75. Mr. McDermott said, "No, I can not. For a number of months I have been giving my wife all of my salary, and she has been applying it on my indebtedness, and I have about $30 in the bank." I said, "Can't you afford to pay him $25 on account of this." I said, "I want to pay him this and ascertain his exact position." He said, "Yes," and Mr. McDermott (Mr. Fleming was with him) gave me $25 in cash.

Coming back to the conversation with Mr. McMichael, I asked him what Mr. McDermott owed him. He said, "I don't know; I can't tell." I said, "Mr. McDermott tells me that the only debt he owes you is the $75 which you claim you advanced to Mr. Mulhall to go to Chicago." I said, "He does not really owe you that, but if you are in a condition of want, he will pay that, but he can only pay you $25 at this time." Prior to my saying anything about paying the money, and just after I showed him the letter, he said, "You are Mr. McDermott's attorney, are you?" I said, "Yes." He said "You had better get on the train and go back to Washington; there is nothing I can do to help McDermott." Then I asked him about the debt, and, as I say, he did not state any amount of indebtedness, and the only amount mentioned between us was the $75. I then gave him the $25, and as I left him his wife came into the parlor, and Mr. McMichael introduced me to her as Mrs. McMichael. I went out on the porch. It was just a conversation that probably lasted five minutes. I went over, and just as I sat down the waiter brought our dinner. Mr. Barker and I sat there and ate our dinner.

I think we finished perhaps at a quarter of 8. We got up together and left the table, walked off the porch, passed several groups of persons sitting on the porch, and as we turned to walk down the steps Mr. McMichael arose from a group of persons and called to me and followed us down the steps. As we got on the walkway at the foot of the steps, he began saying, "I want to talk with you about this case; I want to talk to you about McDermott." I said, "Now, Mr. McMichael, I have a friend here with me, Mr. Barker." He said, "How do you do, Mr. Barker." He walked with us, and said, "Let me tell you something. Jim McDermott never did a dishonest thing in his life." He said, "All these things that Mulhall is telling about him are lies, and when I go on the stand I am going to completely exonerate him."

He talked in that manner without my asking him a question, until we almost reached the station. When we got near an electric light—it was then dark—I turned to him and I said, "Mr. McMichael, in my study of this case there are only two items which give me any concern. One is the testimony of Mr. Mulhall that you gave him advance information through Mr. McDermott of the Hughes amendment to the sundry civil bill. The other is a letter of introduction which Mr. Mulhall gave Mr. McDermott, addressed to Mr. Bird in

New York." I had in my pocket a number of papers relating to the case, besides this letter. Among them was a typewritten letter, a typewritten copy of the letter to Mr. Bird. I took that out of my pocket and handed the letter to Mr. McMichael. I said "Mr. McMichael, what do you know about that letter?" He said "Why, I will tell you how that letter was."

Mr. WILLIS. Mr. Easby-Smith, I do not desire to interrupt you, but do you happen to recall the number of that letter? I can not think which one it is just now.

Mr. EASBY-SMITH. That is the letter of introduction from Mr. Mulhall to Mr. Bird, I think, in July, 1911.

The CHAIRMAN. The matter had escaped my memory for a moment, and I have not the record before me. Did you inquire of Mr. McMichael about that when he was on the stand?

Mr. EASBY-SMITH. I did, sir; and he admitted that in one of the conversations he had made the statement, and in another conversation he denied he made it.

Mr. STAFFORD. In your cross-questioning of Mr. McMichael did you advert to these two matters in which you were concerned about Mr. McDermott?

Mr. EASBY-SMITH. Yes, sir. I am going to say they were the only two matters I interrogated him about. I handed him the Bird letter——

Mr. STAFFORD. I mean, did you cross-question McMichael when he was on the stand?

Mr. EASBY-SMITH. Oh, yes, sir; fully.

Mr. STAFFORD. That has escaped me.

Mr. EASBY-SMITH. I cross-questioned him fully to lay the foundation for impeachment. I said "McMichael, will you tell me the circumstances of this letter to Mr. Bird?" He said, "I got that letter from Mulhall; McDermott knew nothing about getting it and never knew of my connection with Mulhall and the N. A. M. I got that letter from him, Mr. McDermott and we went to New York together, and the letter was sealed; McDermott never saw it, and when we got to New York I handed it to Mr. Bird in a sealed condition, and, so far as I know, Mr. McDermott never saw that letter." Then I said to him, "Now, Mr. McMichael, will you relate to me the circumstances concerning the information in regard to the Hughes amendment to the sundry civil bill?" He promptly said, "That is the only information that I or anybody else ever gave to Mr. Mulhall, and that was a pure accident and happened in this way: When that amendment was presented on the floor, the whip of the House, the Democratic whip, instructed me to get in the Members to vote on that amendment." He said, "I went to the telephone and telephoned all the Members I could reach. I then hustled out in the hall, and as I was hurrying through the hall I ran into Mulhall. Mr. Mulhall asked me what I was doing and where I was going." He said, "I am getting in the Members to vote on the bill." "What is it?" He said, "It is an amendment Mr. Hughes has just offered to the sundry civil bill." He said, "The old fool could not understand it and asked me to write it down," and he said, "I went over to the nearest desk, took a pencil and paper, and wrote down for him, 'Hughes has offered an eight-hour amendment to the sundry civil bill.'" He said, "I gave him that paper." He said, "They were all the circum-

stances connected with that, and it was a pure accident and an accidental meeting with Mulhall that caused me to give him that information."

They are the only two matters concerning which I interrogated him.

He continued to walk with us to the train, which left at 8.30. He continued to talk incessantly about the case, reiterating over and over again that Mr. McDermott had never done a dishonorable or dishonest thing in his life.

A few days after that (in fact, I remember distinctly the day, the 30th of July, because it was the day of the big storm here) Mr. McDermott called me up about 10 o'clock in the morning and said, "It is important that I see you immediately." I said, "Come to my office." He came to the office. He said, "This fellow McMichael is again trying to blackmail me." I said, "What are the facts now?" He said, "Mr. Irvine has just come to me"—that is the letter I took to Chesapeake Beach and the reason of my visit there [producing paper]—"Mr. Irvine has just come to me with a statement that McMichael had told him that if I will pay him $325 he will destroy some incriminating evidence he has against me; if I don't pay him he will appear before the committee and produce the evidence." He said, "Is that blackmail?" I said, "It most assuredly is, Mr. McDermott." He said, "What shall I do?" I said, "Do as I said before. You must not communicate with McMichael in any manner." I said, "You had better tell McMichael, or send word to him, if he has any claim against you he must see me"—meaning myself. He said, "Irvine brings word to me McMichael wants me to meet him at Fritz Reuter's at 1 o'clock, and he will be there at 1 o'clock." I said, "I am leaving town to-day, Mr. McDermott, to join my family until next week, and I am not going to let anything interfere with it, and I can not see him; but my advice to you is to call up Fritz Reuter's at 1 o'clock and tell McMichael—and have somebody on the other phone—he can see you only in my office." Mr. McDermott did that, and I received information later in the day that Mr. McMichael would come to my office at 8 o'clock that night. Inasmuch as I was leaving town at 4, I requested Mr. Fleharty, who was in my office, a member of the bar, to meet Mr. McDermott and Mr. McMichael at my office; and my information is they did, and Mr. Fleharty and Mr. McDermott will testify concerning the visit of Mr. McMichael to my office on the night of July 30. I was not present on that occasion and do not know what transpired except what they have told me.

Now there is one statement that Mr. McMichael has made on the stand, the only one I think I need to specifically deny—the statement I told him I had advanced the $25 which I was paying him; that I had advanced it to Mr. McDermott. That is totally false, both as to the fact and as to what I said. Mr. McDermott gave me the money and I told Mr. McMichael that it came from Mr. McDermott.

I should be glad to answer any questions the committee has to ask.

The CHAIRMAN. Did you talk to Mr. Irvine himself, or did you get the information through Mr. McDermott?

Mr. EASBY-SMITH. I talked to Mr. Irvine myself, but not until afterwards. I did not see Mr. Irvine until the 30th of July. Mr. McDermott came to me and communicated to me what had been

told him by Mr. Irvine. Now, later, and before I examined Mr. McMichael concerning what he said to Mr. Irvine, I interviewed Mr. Irvine thoroughly so as to lay a proper foundation for impeachment.

The CHAIRMAN. Did Mr. Irvine state to Mr. McDermott, according to your recollection of what Mr. McDermott told you—we are going pretty far into the field of hearsay, but it is all right—or did he state in the conversation which you had with him, that McMichael claimed McDermott owed him this $325, or it was a part of what he owed him, or was insisting on being paid?

Mr. EASBY-SMITH. No; his claim, as I understood it, was that he had a book which showed McDermott owed $325, and that that book and that account was incriminating against McDermott. In other words, as I recall it, he claimed that some of the items were money that in some manner was owed to or from Mulhall. I never got that straight; that some of it was money which was used for some improper purpose, and that a disclosure of those things would ruin Mr. McDermott.

The CHAIRMAN. Your understanding of what he claimed was it was money that was due him?

Mr. EASBY-SMITH. Yes.

The CHAIRMAN. The impression was not made upon your mind that it was an effort to collect money, that he would just have to pay so much——

Mr. EASBY-SMITH. The impression created on my mind was it was a false account which he had manufactured for the purpose of getting $325 and saying, "If you don't pay me $325, I will ruin you; and if you do pay it, I will clear you."

The CHAIRMAN. You understood his whole claim there was that it was money actually and legitimately due?

Mr. EASBY-SMITH. Yes, sir; I understood that from the interview with him in my office. However, Mr. Fleharty and Mr. McDermott will testify fully as to it.

Mr. RUSSELL. I want the date of that first meeting with Mr. McDermott.

Mr. EASBY-SMITH. The date of the first meeting I fix by the fact that when Mr. McDermott brought me this letter, which is postmarked July 23, it was immediately after he had received it. It is postmarked "Chesapeake Beach, July 23, 6 a. m." Now, it may have been that very day that Mr. McDermott brought me the letter, or it may have been the next day, the 24th; but it was one or the other.

Mr. RUSSELL. Did Mr. McDermott suggest to you to go down and see him, or was it your own suggestion?

Mr. EASBY-SMITH. That was my own suggestion, sir. He asked me what he was to do, and I said, "First, you must under no circumstances go to McMichael yourself; keep away from him." And in talking it over I know I considered at some length whether I should interview him myself, but, feeling that it was an effort to obtain money and was in some way a blackmailing proposition, I finally decided the proper thing to do was to go myself and, first, demand of him how much Mr. McDermott owed him, so that I could ascertain his attitude before any payment, and then to pay him the $25 on account of the $75 and see if his attitude changed. In that purpose I was successful.

The CHAIRMAN. Did he never state that night that there was anything more than this $75 due him?

Mr. EASBY-SMITH. He said it was more than that, but he could not tell how much, and that was very indefinite. The only item we discussed was $75. I asked, and he said, "I don't know what it is; I would have to figure it up."

The CHAIRMAN. You spoke of Mr. Barclay accompanying you?

Mr. EASBY-SMITH. Mr. Barker.

The CHAIRMAN. Did he know before you left here what your mission was there?

Mr. EASBY-SMITH. No; he did not. I told him on the train.

The CHAIRMAN. You told him on the way there?

Mr. EASBY-SMITH. That I was going to this hotel to try to find a man from whom I had a letter, and it was not until after dinner, or after I had paid the $25. When I came back he said, "Did you find your man?" I said, "Yes." I may then have told him that it was McMichael, or it may have been as McMichael joined us as we were leaving when we were going down to the station that Mr. Barker first learned the man was Mr. McMichael.

The CHAIRMAN. The case had not been discussed with him at all on the way over?

Mr. EASBY-SMITH. It had not, sir.

The CHAIRMAN. He had no intimation of what case it was?

Mr. EASBY-SMITH. He had not.

The CHAIRMAN. You did pay him and he did accept the $25?

Mr. EASBY-SMITH. Yes; and immediately his attitude changed completely.

Mr. WILLIS. You paid the $25 in cash?

Mr. EASBY-SMITH. In cash.

Mr. WILLIS. Did you take any receipt?

Mr. EASBY-SMITH. I did not, sir. I knew my word was good to Mr. McDermott for the $25; that I had paid it to him.

Mr. RUSSELL. Mr. McDermott, then, did admit that he owed him some money?

Mr. EASBY-SMITH. That he owed him some money, to this extent, as he told me then. He said, "McMichael claimed he advanced $75 for Mr. Mulhall to go to Chicago, and if McMichael did advance that $75 I am going to pay it back to him."

Mr. RUSSELL. That trip, then, was made for the purpose of making that payment and to learn his attitude——

Mr. EASBY-SMITH. Exactly.

Mr. RUSSELL. His attitude in his claim about the indebtedness from Mr. McDermott?

Mr. EASBY-SMITH. That, with this additional purpose. It was made for the purpose of paying him $25. It was made for the purpose of ascertaining from him how much he claimed Mr. McDermott owed him. It was made for the third purpose of satisfying my own mind, because when I read that letter I immediately suspected that it was a hold-up, and my purpose was to talk to him before I mentioned money, and see what his attitude was, to pay the $25 and see if his attitude changed. Then, as I said, I was successful in that, because before I had mentioned money he was extremely hostile, and said, "You had better take the train and go back to Washington, because I can not help McDermott." Then,

after I paid him the $25, he voluntarily joined me and immediately began these statements as to Mr. McDermott's innocence, so much that I concluded he wanted money and that if he was paid he would keep quiet. Of course I advised against the payment of another cent.

Mr. WILLIS. Did he say anything in this conference you had with him in this hotel about any steps he expected to take for the collection of the additional amount that he claimed to be due?

Mr. EASBY-SMITH. He did not, sir.

Mr. WILLIS. What did he say when you gave him this $25?

Mr. EASBY-SMITH. He said, "I am much obliged, and glad to get it, because I am broke and need the money." He said "When will I get the balance?" and I said, "I can not tell you, Mr. McMichael, because, as I have told you, Mr. McDermott has told me that he is seriously in debt and that for some months he has been turning over to his wife every penny of his salary, and she is disbursing it for household expenses and on account of his debts."

Mr. WILLIS. When he said "the balance," did he indicate whether he meant the balance of the $75 or this other amount?

Mr. EASBY-SMITH. I do not recall that detail, but I know what was in my mind was the remaining $50.

The CHAIRMAN. Did he say he needed the "money," or needed the "cush"?

Mr. EASBY-SMITH. He did not use much slang to me, sir. I think he said he needed the money, that his wife was there, and that he was hard up. After he joined me on the outside he used continually the most profane, obscene, and abusive language toward Mr. Mulhall. I have not repeated any of that; I have simply told you the substance of what he said about Mr. McDermott and Mr. Mulhall.

Mr. RUSSELL. You stated you advised him in this first conversation not to have anything at all to say to McDermott——

Mr. EASBY-SMITH. To Mr. McMichael.

Mr. RUSSELL. To Mr. McMichael?

Mr. EASBY-SMITH. Yes, sir.

Mr. RUSSELL. Do you know whether he followed your instructions or not?

Mr. EASBY-SMITH. I think he did, sir, for the reason that so far as I know the next communication between them was when Mr. McDermott came to me on the morning of July 30 with the statement that came through Irvine that McMichael was demanding $325; and the fact that he came to my office that night after he had been informed he could only see Mr. McDermott in my office or in my presence; and, particularly, that the next communication between them, so far as I know, was when Mr. McMichael voluntarily came to Mr. McDermott's office on the morning of the 1st of August, so that thereafter, so far as I know, every interview between them was of McMichael's seeking.

Mr. RUSSELL. What did you say to Mr. McMichael when you first met him at the hotel after he said "I am McMichael"?

Mr. EASBY-SMITH. I took the letter out of my pocket. It was in the envelope. I will show you what I did [illustrating with a letter]. I said, "Mr. McMichael, I am Mr. Easby-Smith. I represent Mr. McDermott." He said, "Oh, yes, Mr. Easby-Smith; I know you very well. I think you knew my brother who was in the Department of Justice when you were." I said, "Why, yes; I remember Mr. Mc-

Michael quite well. He was a nice fellow, and he is dead, isn't he?" And he said, "Yes." He said, "I know you very well." I said, "I am Mr. McDermott's attorney," and at that I put my hand in my pocket and said, "Did you write him that letter," and he said "Yes." That was the opening of the conversation between us.

Mr. STAFFORD. You left at 4.30?

Mr. EASBY-SMITH. 5.30 my recollection is. And my further recollection is that the train was a half hour late. I remember the circumstances perfectly. It was a very rainy day. I got in my car with Mr. Barker and drove out to Fifteenth and H Streets NE. to catch the street car that made the connection with the 5.30 train from Chesapeake Junction. We got out there, I think, about 5.20, and no street car came until about 5.45, which would be 5 minutes after the train was due to leave. In the meantime, fearing that I would lose the train, I walked about a block up to the train starter, who starts the trains by telephone, and I said, "There has been no street car here connecting with the train for the last 25 or 30 minutes." I said, "Will they hold the train on account of the tie-up in the cars? There is a big crowd down at the corner for the train." He said, "If that is the fact I will telephone them to hold the train until the next car comes along." My recollection is that the next street car that came through left Fifteenth and H Streets about 10 minutes to 6. It took probably 15 or 20 minutes, so that that train left out there about a half hour late. We left Chesapeake Junction, I think, about 6.10.

Mr. STAFFORD. What time did you arrive at Chesapeake Beach?

Mr. EASBY-SMITH. My recollection is that that was an express train, and I think we got in about 7.20 or 7.25.

Mr. STAFFORD. How long does it take to go from the station to the hotel?

Mr. EASBY-SMITH. I should say anywhere from 3 to 5 minutes.

Mr. STAFFORD. You arrived at the hotel about 7.30?

Mr. EASBY-SMITH. I should say so.

Mr. STAFFORD. And had dinner?

Mr. EASBY-SMITH. The first thing we did was to walk up on the porch, select a table, call a waiter, and order our dinner.

Mr. STAFFORD. How long did that take?

Mr. EASBY-SMITH. Oh, I should say 2 or 3 minutes. Then, as soon as the waiter had taken our order I said, "Harry, while he is getting our order I will go in and look for this man," and I did. I first asked the clerk. I said first, "Is there a Mr. Mack stopping here?" He said, "Yes," and I asked, "Is he in?" He looked at the key rack, and apparently Mr. McMichael's key was in the rack. He said, "No; he is not in."

Mr. STAFFORD. And in the course of 5 minutes Mr. McMichael came out?

Mr. EASBY-SMITH. Yes; just after I made those inquiries. I took the register and turned back to see if I could find where he had registered as "Mack." I looked through probably 10 days of the register and did not find it, and just as I was turning away McMichael came up.

Mr. STAFFORD. Then after a short conversation with Mr. McMichael you went and resumed your dinner?

Mr. EASBY-SMITH. I went out and the waiter was just serving the first course probably—soup.

Mr. STAFFORD. How long were you at dinner?

Mr. EASBY-SMITH. I should say, sir, probably 20 or 25 minutes. It was probably in the neighborhood of 8 o'clock when we finished.

Mr. STAFFORD. And then you arose——

Mr. EASBY-SMITH. We arose.

Mr. STAFFORD. To go where?

Mr. EASBY-SMITH. To go to the station. We were going to take the 8.30 train. I had supposed that my interview with McMichael was a closed incident. We walked from where our table was on the porch, the distance probably from here to that screen [indicating] to the steps that go down to the graveled walk—I think it is a graveled walk—and just as I was turning into the steps I passed on my right a group of ladies and gentlemen sitting there, and just as Mr. Barker and I passed them and were proceeding to the steps one man arose which attracted my attention and I looked to one side and kept on. It was McMichael and he followed us.

Mr. STAFFORD. As soon as you arose from dinner you went directly toward the station?

Mr. EASBY-SMITH. We started to; yes, sir.

Mr. STAFFORD. Which was 3 or 5 minutes distance?

Mr. EASBY-SMITH. Yes. We will say that the porch ran in this direction [indicating]. The station was in that direction, and in order to get there you had to walk in this direction, go down the steps and come back this way. We got up from dinner, walked toward the steps, had just gone down the steps, and were turning to go back when McMichael got up and immediately joined us and began to make these statements. In order that we might not have any embarrassment I immediately turned and said, "Mr. McMichael, this is a friend of mine, Mr. Barker." He said, "How do you do, Mr. Barker?" and immediately continued his talk.

Mr. STAFFORD. But you had paid him the $25 prior to your taking dinner?

Mr. EASBY-SMITH. I had, sir.

Mr. STAFFORD. How long was it from the time you arose from the dinner table until you took the train?

Mr. EASBY-SMITH. It was quite a long time, because my recollection is, Mr. Stafford, that the train was late in leaving.

Mr. STAFFORD. Was Mr. McMichael with you until the train left?

Mr. EASBY-SMITH. No, sir; the train was scheduled to leave at 8.30. My recollection is it left a half hour late, about 9 o'clock, and Mr. McMichael was with us and stayed with us until perhaps two or three minutes before the train pulled out. In fact, he left at one time. I looked at my watch and said, "The train is about ready to pull out." I started toward the gate, and the gateman said, "This train won't pull out for some time." So we stood there, and McMichael continued to talk with us until I said, "Mr. Barker, I think we had better get aboard." Then McMichael turned and walked away from us, and it was probably five minutes before the train did leave.

Mr. STAFFORD. Did you say when Mr. McDermott would pay the balance of this money?

Mr. EASBY-SMITH. No, sir; I did not. I said, "Mr. McDermott will pay the balance when he can. I have told you his circumstances. Here is all he can spare at this time, and he will pay you the remainder of $50 when he can."

Mr. STAFFORD. Did he make any inquiry as to when that would be?

Mr. EASBY-SMITH. No, sir; he did not.

Mr. STAFFORD. He just accepted the $25?

Mr. EASBY-SMITH. Yes; he accepted the $25 and said, "All right; I will be glad to get it."

Mr. STAFFORD. What other conversations were indulged in, if any, during this hour?

Mr. EASBY-SMITH. None, except those. McMichael talked a perfect stream, and except for an occasional interjection the only questions I asked him were concerning those two items, the letter to Mr. Bird and the Hughes amendment.

Mr. STAFFORD. How were you concerned in just those two items?

Mr. EASBY-SMITH. Because I considered them very vital in this case. First, I conceived that if Mr. McDermott had furnished to Mr. Mulhall or to anybody else any information which he obtained from Mr. Hughes it was probably the crux of the case. In the second place, the reason I considered the letter of vital importance was because I considered that if Mr. McDermott had received and delivered such a letter it was admission on his part of the contents of the letter.

They were the two items in the whole case, as I had stated it at that time, which most concerned me and concerning which I wanted to know the truth. Mr. McDermott had told me all the facts concerning those two transactions, but I wanted to know from Mr. McMichael his version of it, and he has given his version exactly as I have related it here, and I think he has related on the stand that he did tell me that, but now says he told me a false story.

Mr. WILLIS. When did Mr. McMichael first learn you were Mr. McDermott's attorney?

Mr. EASBY-SMITH. At the first instant I met him, sir. I immediately said to him. "I am Mr. Easby-Smith." He said, "Yes; I know you quite well. You knew my brother, didn't you?" And he related that his brother was in the Department of Justice some years ago when I was there, and I said, "Yes," and then he said something about his death. I said, "I am Mr. McDermott's attorney, and here is a letter you wrote him." So that practically at the instant of our meeting he knew I was Mr. McDermott's attorney. And the reply he made to me was, "If you are Mr. McDermott's attorney, you had better get on the train and go back to Washington, because I can not help him any."

Mr. WILLIS. You are sure you told him that before you showed him the letter?

Mr. EASBY-SMITH. Positive, sir.

Mr. STAFFORD. You think, then, that he changed front after he gave you the peremptory orders to return to Washington because of receiving the $25.

Mr. EASBY-SMITH. That was my conclusion, sir; and that he hoped to get more in the same way.

Mr. STAFFORD. And you took him the $25 before you began dinner?

Mr. EASBY-SMITH. Yes, sir; paid it to him—I did not see him until after I had ordered my dinner, but I paid it to him before I began to eat my dinner.

Mr. STAFFORD. Do I understand that all this conversation as to your inquiry about the Hughes amendment and this letter of introduction took place before you sat down to dinner?

Mr. EASBY-SMITH. No, sir; every word of that took place after dinner, after McMichael voluntarily followed us to the station. We did not have a single word of conversation concerning any item of detail in the case until after dinner. The only conversation which we had before dinner was concerning this letter, concerning the claim of indebtedness, and the payments by me of the $25.

Mr. STAFFORD. What conversation took place before you sat down to dinner and after you had paid him the $25?

Mr. EASBY-SMITH. Practically none. I handed it to him, and said, "Mr. McDermott will pay you the balance when he can."

Mr. STAFFORD. Just as to that incident, when did he tell you to go home?

Mr. EASBY-SMITH. As soon as I told him I was Mr. McDermott's attorney.

Mr. STAFFORD. And then what did you do? Pay him the $25?

Mr. EASBY-SMITH. Then I said to him, "Mr. McMichael, in this letter you were asking for $100, and claim it is on account of what Mr. McDermott owes you. I want to know what you claim Mr. McDermott owes you."

Mr. STAFFORD. Did he say you should still go home?

Mr. EASBY-SMITH. Oh, no. Then he said, "Well, I can't say: I don't know just what he does owe me." Then I said, "Mr. McMichael, Mr. McDermott has told me, and has told me to say to you, that he does not owe you any money that he has any knowledge of, except the $75, and he considers that only a moral obligation, because he did not authorize you to advance it."

Mr. STAFFORD. So you talked with him, and he was willing to talk even after he told you to go back home?

Mr. EASBY-SMITH. Yes, sir; as soon as I said, "I want to talk to you about what Mr. McDermott owes you." That was his response. When I said, "I am Mr. McDermott's attorney," he said, "You had better go back on the train right away."

Mr. STAFFORD. What did he do? Did he leave you?

Mr. EASBY-SMITH. No; I said, "I want to talk to you about what Mr. McDermott owes you."

Mr. STAFFORD. And he was willing to talk to you about that?

Mr. EASBY-SMITH. He immediately did. I asked him several times, "What do you claim Mr. McDermott owes you?" and he said, "I can not tell."

Mr. STAFFORD. You did not press him on these other two main purposes, but left all that until after dinner?

Mr. EASBY-SMITH. I did not press that. My intention was not to press that, but to ascertain his attitude, pay the $25, and then see what he would do.

TESTIMONY OF MR. HARRY L. BARKER.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. Will you state your full name?

Mr. BARKER. Harry L. Barker.

Mr. EASBY-SMITH. You are a member of the bar of the District of Columbia?

Mr. BARKER. I am.

Mr. EASBY-SMITH. I believe you are connected with the Lawyers' Title Insurance Co.?

Mr. BARKER. I am.

Mr. EASBY-SMITH. And have desk room in my office.

Mr. BARKER. I have.

Mr. EASBY-SMITH. Mr. Barker, do you remember going to Chesapeake Beach with me and taking dinner there on one evening of July of this year?

Mr. BARKER. I do.

Mr. EASBY-SMITH. Please state to the committee in your own way exactly what happened, as far as you remember.

Mr. BARKER. Some time in the afternoon Mr. Easby-Smith asked me to accompany him to dinner at Chesapeake Beach. We often went to dinner together while his family was out of town, and I told him I would do so. I got in my office probably about 4 o'clock or a little after, and he and I left and went to Fifteenth and H Streets to take the electric car to Chesapeake Junction.

The car line was tied up, and we got to Chesapeake Junction late, but the train was there, and I think left somewhere after 6 o'clock.

Going to the train Mr. Easby-Smith pulled a letter out of his pocket—an envelope with a letter attached to it—and asked me if I knew what that hotel was, pointing to the hotel—the Belvedere—and I said, yes; I did; and he said, "Can we get a pretty good meal there?" I said, "Yes; I think so; I have eaten there several times." So we got to Chesapeake Beach and went to the hotel. Going down on the train he said he was going to see a man by the name of Mack. We went to Chesapeake Beach and went to the hotel and sat down and ordered dinner. He left me at the table and went on the inside and was gone a very short time—I don't just know, but probably five or six or seven minutes. He returned, and I asked him if he had found the man. He said yes, he had found him.

The dinner was then being served, and we ate our dinner, got up to leave, started off the porch, and some man got up as we passed and were going down the steps. There are three or four steps leading off the porch, and as we got there to the bottom of the steps or off the steps this man got up to Mr. Easby-Smith's side and started talking. I dropped back two or three steps, thinking, probably, it was a personal conversation, and Mr. Easby-Smith called me and introduced me to Mr. McMichael. McMichael shook hands with me, and he went on talking at a great rate.

We went on down through the grounds to one of the amusements there, or one of the lunch rooms, I don't know which it is, and there stopped for a few seconds while McMichael went on talking about an airship and a Hughes amendment, and I just can not recall everything he did say.

At that point Mr. Easy-Smith asked him about the Hughes amendment—if he had given Mr. Mulhall any writing about the Hughes amendment. He said that he was running down through the hall in response to an order from the whip of the House to summons in the Members to vote on the Hughes amendment, and he was running down through the hall when he met Mr. Mulhall, and Mr. Mulhall asked him what he was in a hurry about, and he told him to round in the Members to have them vote on this Hughes amendment. I think he said it was the Hughes eight-hour amendment. Mr. Mulhall asked him if he would put that in writing, which he did; and he said that if Mulhall said he got it before that time—I don't care about repeating the language; unless you desire it I will not repeat the language.

The CHAIRMAN. No.

Mr. BARKER. From there we walked to the station. There is a fence there that separates quite a distance from the railroad track.

The CHAIRMAN. The language, I understand, was profane?

Mr. BARKER. Yes, sir; very much so. We walked to this fence and there stopped, waiting for the time to leave. Mr. Easby-Smith pulled a letter out of his pocket and handed it to McMichael and asked him to read it. We were then underneath an electric light. McMichael read the letter, and Mr. Easby-Smith asked him if McDermott had ever had or seen that letter, and he said the letter was dictated to him by Mr. Mulhall and that Mr. McDermott had never seen that letter. What the letter was I do not know, but it was attached to this particular envelope that Mr. Easby-Smith showed to me on the train.

The CHAIRMAN. You did not see the letter yourself?

Mr. BARKER. I did not; no, sir. We then separated there; and after some conversation, which was at a great rate, about airships and a number of other things that I do not just recall, we got on the train and came to Washington.

On the way to Washington there was no conversation between Mr. Easby-Smith and myself as to the visit. There was no conversation on the way down as to why he was going there. The first I heard, or the first I knew of Mr. McDermott, was about four or five days later. I met Mr. McDermott in Mr. Easby-Smith's office. I knew neither Mr. McDermott or Mr. McMichael at the time we went to Chesapeake Beach, and I did not know there was such a case in the office as the McDermott case. I did not pay any particular attention to the conversation, not knowing the importance of it, with the exception of just one or two questions Mr. Easby-Smith asked McMichael, and he was very forcible in answering them, and the language he used was such as "Just the unvarnished truth," and so on, which struck me as very peculiar. I had never heard it before.

I do not think I even thought of the conversation any more until Mr. Easby-Smith spoke to me of it Saturday a week ago and asked me if I recalled the conversation at Chesapeake Beach. Coming over here to the House Office Building in the car he asked me if I recalled one or two things McMichael had said down at Chesapeake Beach, and I did, and I sat here and listened to McMichael's testimony to see if it would refresh my memory. That is about all I know of the case.

The CHAIRMAN. Are there any questions?

Mr. EASBY-SMITH. I do not care to ask any.

The CHAIRMAN. Was your attention especially directed at any time to those particular things that you say you remember definitely until Mr. Easby-Smith did it, you say, a week or two ago?

Mr. BARKER. Since that time, you mean?

The CHAIRMAN. Yes.

Mr. BARKER. No, indeed; I knew nothing about it at all. In fact, I knew nothing of the case whatever.

The CHAIRMAN. In coming back on the train it was not referred to?

Mr. BARKER. No, sir; he read the paper and we were amused at the people on the train coming back.

The CHAIRMAN. You are not connected in any way with Mr. Easby-Smith?

Mr. BARKER. None whatever, sir. I simply have a desk there in his office.

The CHAIRMAN. How does it happen that you remember specifically those two matters clearly and do not remember clearly the other?

Mr. BARKER. One thing that makes me remember it is the statement of Mr. McMichael, "This is the unvarnished truth," which I had never heard before.

The CHAIRMAN. You had never heard that expression?

Mr. BARKER. I had never heard that expression until Mr. McMichael used it. And he was so emphatic in his language, and he was very abusive of Mr. Mulhall for saying that he received this——

The CHAIRMAN. He was very picturesque in his language all the way through, was he not?

Mr. BARKER. Not particularly so, until he got to something he wished to emphasize. I really paid very little attention to the whole conversation with the exception of some few things which had been called to my attention which I do strictly remember. Now, the airship proposition I do remember. The things that most impressed me was that he got Mrs. McDermott to put $800 or $900 in it and she sunk it all, and he sunk all he had, and Mr. McDermott came near sinking all he had. That was the general line of his conversation from beginning to end.

Mr. STAFFORD. Did you hear or see anything of the $25 being passed over to McMichael?

Mr. BARKER. I never knew there was $25 passed over until it was mentioned here.

Mr. STAFFORD. You say Mr. McMichael used profanity?

Mr. BARKER. Greatly; yes, sir.

Mr. STAFFORD. What was the occasion for his being profane?

Mr. BARKER. The most extreme occasion was the Hughes amendment that he was asked about.

Mr. STAFFORD. Why should he indulge in profanity in narrating that?

Mr. BARKER. He said that Mr. Mulhall——

Mr. STAFFORD. I am not asking for the profane language.

Mr. BARKER. He said that Mr. Mulhall had stated that he had received that slip of paper from him two weeks or three weeks prior to the time he gave it to him, and he was this, that, or the other thing, that you do not care to hear.

Mr. STAFFORD. That Mr. Mulhall was that?

Mr. BARKER. Yes.

Mr. STAFFORD. He volunteered that characteristic description of him without any occasion?

Mr. BARKER. Yes, sir; several times.

Mr. STAFFORD. Did he use profanity about anybody else? Did he pay compliments in that kind of language to Mr. McDermott?

Mr. BARKER. No, sir; he did not. On one occasion there, when something came up, he was talking, and he said he never knew Mr. McDermott to do a dishonest trick.

Mr. STAFFORD. Did he indulge in strong, forceful language as to that airship proposition?

Mr. BARKER. Yes; he had spent some amount of money and lost everything.

Mr. STAFFORD. Do you recall distinctly what was said by Mr. McMichael as to this letter of introduction?

Mr. BARKER. Yes; not definitely. I recall that McMichael, at the time he was asked if Mr. McDermott had had that letter or had ever seen it, stated he had not; that Mr. Mulhall dictated that letter to him—meaning McMichael—and that Mr. McDermott——

Mr. STAFFORD. Are you sure that McMichael used the word "dictated"?

Mr. BARKER. I am positively sure he used that word, as near as I can remember.

Mr. STAFFORD. Mr. McMichael did not claim to be a stenographic reporter?

Mr. BARKER. I could not tell you anything about that, sir. I do not know the man at all.

Mr. STAFFORD. What was the form of this letter which Mr. Easby-Smith presented to Mr. McMichael?

Mr. BARKER. The size of the paper? I did not see the letter.

Mr. STAFFORD. Whether it was written or typewritten, or the like?

Mr. BARKER. It was a sheet of paper pinned on the back of this Belvedere envelope. Mr. Easby-Smith had pulled this same letter out of his pocket and asked me where the Belvedere Hotel was, and it had this sheet of paper on it, and when we got to Chesapeake Beach—that is, when we were coming back to get on the train—he handed this same envelope with the sheet of paper to Mr. McMichael and asked him about the letter.

Mr. STAFFORD. What did Mr. McMichael say about that?

Mr. BARKER. McMichael said that Mr. McDermott had never seen the letter.

Mr. STAFFORD. That is, the letter that was presented to McMichael?

Mr. BARKER. That Mr. Easby-Smith handed to McMichael; that he had never seen the letter.

Mr. STAFFORD. Did McMichael take that letter to which the envelope was pinned?

Mr. BARKER. He took it and read it.

Mr. STAFFORD. Under the electric light?

Mr. BARKER. Under the electric light; yes, sir.

Mr. STAFFORD. Was it an arc light or incandescent light?

Mr. BARKER. It was a big arc light.

Mr. STAFFORD. Was there any other letter presented besides this one?

Mr. BARKER. That is the only one I saw handed to McMichael.

Mr. STAFFORD. So you only saw the one letter that was shown to you on the train going down there?

Mr. BARKER. I did not see the letter at all; I simply saw the envelope; I did not see the letter at all.

Mr. STAFFORD. That was the one presented to McMichael?

Mr. BARKER. I saw a package of letters going down on the train, which Mr. Easby-Smith had in his pocket, going down on the train, and this was the only one of those with an envelope pinned to it.

Mr. STAFFORD. That was the one submitted to McMichael?

Mr. BARKER. Yes, sir; I should judge it was. I do not know. I never saw the letter.

Mr. EASBY-SMITH. I was looking for the letter itself, which I exhibited to McMichael on the stand, and which he said was the letter I showed him. I will see if I can find it among my papers. It may have gone in with the original exhibits.

Mr. STAFFORD. Is this the letter you refer to [handing letter to witness]?

Mr. BARKER. No, sir; it was on paper about the size of that on which the stenographer is writing.

Mr. STAFFORD. I understood you to say the letter submitted to you had "Belvidere"——

Mr. BARKER (interposing). On the top, on the corner, like that one there, which was pinned on the back of it, and it was on paper about the size of the sheet which the reporter is using.

Mr. EASBY-SMITH. I think you will find——

Mr. STAFFORD (interposing). You say this is not the letter, but the envelope?

Mr. BARKER. I do not know.

Mr. STAFFORD. The envelope presented to you bore the same letterhead?

Mr. BARKER. Yes, sir.

Mr. RUSSELL. Is that the letter you say McMichael said that McDermott never had seen?

Mr. BARKER. I do not know. That is not the letter [indicating]. The letter that was handed to him was written on a larger sheet of paper. That is not the letter.

Mr. WILLIS. But it is the envelope?

Mr. BARKER. I do not know whether that is the one, but it was one like that, with the Belvidere stamp on it. I did not see the letter. I saw the Belvidere stamp at the top of the envelope. I did not see the address. There was something on it, but I paid no attention to it at all.

Mr. STAFFORD. But the envelope——

Mr. BARKER (interposing). Had the Belvidere stamp.

Mr. STAFFORD. And was pinned on this letter.

The CHAIRMAN. You saw that as you went on the train?

Mr. BARKER. The Belvidere; yes, sir; for the first time.

The CHAIRMAN. Then the letter which was shown to McMichael in your presence had pinned to it also an envelope with the Belvidere Hotel stamp on it?

Mr. BARKER. That is it.

Mr. STAFFORD. What did McMichael say about that letter?

Mr. BARKER. He said that McDermott had never seen the letter which Mulhall had dictated to him.

Mr. STAFFORD. Did he say to whom it was presented in New York?

Mr. BARKER. No; not that I can recall at all. He said most emphatically that McDermott had never seen that letter.

The CHAIRMAN. He did not, in your presence, say anything about carrying it to New York and presenting it to Mr. Bird?

Mr. BARKER. Not that I can recall. I did not hear the whole conversation, because I was not interested.

The CHAIRMAN. You heard this conversation about this letter—you heard enough of it——

Mr. BARKER (interposing). Mr. Easby-Smith pulled a letter out of his pocket and handed it to him.

The CHAIRMAN. You heard that part of the conversation?

Mr. BARKER. Yes, sir; and he went on talking about airships and other things; I do not know what he was talking about.

The CHAIRMAN. You feel certain that he did not say anything about carrying it to New York and presenting it to Mr. Bird?

Mr. BARKER. I do not think so. I will not say whether he did or did not. I do not recall.

Mr. WILLIS. During the dinner hour, did Mr. Easby-Smith explain to you anything of the transaction that had occurred with the man he had told you he had gone there to look for?

Mr. BARKER. He has never said anything to me about the transaction at all.

Mr. STAFFORD (to Mr. Easby-Smith). You have not been able to locate the letter?

Mr. EASBY-SMITH. No, sir. I had a typewritten copy of the Bird letter, and when he was on the stand I asked him if I did not show him the letter under the electric light, and he said yes. That letter is either among the committee's original papers or is lost.

Mr. WILLIS. You do not happen to have the number?

Mr. STAFFORD. The number is 4275.

Mr. EASBY-SMITH. When I got through with it I handed it to the committee.

The CHAIRMAN. Quite likely it is on file.

Mr. EASBY-SMITH. I think the committee will remember I asked Mr. McMichael if I did not show him the letter under the electric light, and he said yes.

Mr. RUSSELL. Was that letter pinned to one of the Belvidere Hotel envelopes?

Mr. EASBY-SMITH. I have not a clear recollection about that, but I know I had that letter to McDermott, the letter from McMichael, with me. They were all in my pocket together. Whether I pinned them together or simply took them out and handed them to him, I do not remember—I do not know whether it was pinned or not. I know I took them out of my pocket together when I showed them to him under the electric light.

Mr. RUSSELL. Did you ever have the New York letter in the envelope with the other?

Mr. EASBY-SMITH. No, sir; I did not. I think it was, in fact, folded so that it would go in a small envelope, that it would simply

fold three folds over, and was in my pocket with the Belvidere Hotel letter.

Mr. RUSSELL. You did not have more than one Belvidere Hotel letter?

Mr. EASBY-SMITH. Only one.

Mr. RUSSELL. You say that Bird letter was pinned to that envelope?

Mr. EASBY-SMITH. I do not know whether it was or not, Mr. Russell. I know I had it in my pocket with the other letter. I am quite sure it was not pinned to it when I showed the Belvidere letter to McMichael on the inside. I am positive of that. I do not think it is likely I would have pinned them together afterwards. I think I took them out of my pocket together and handed them to McMichael.

Mr. STAFFORD. Let me add that this is referred to on page 533 of the committee's proceedings.

Mr. EASBY-SMITH. What part?

Mr. STAFFORD. Part 8, the cross-examination of McMichael.

The letter was not reprinted in evidence, because it was already claimed to have been introduced in the Senate.

Mr. EASBY-SMITH. That was already in the record. My question to Mr. McMichael was:

Did I not take from my pocket a copy of this letter from Mr. Mulhall to Mr. Bird, under date of July 17, 1911, and did not you back up under the electric light and read it?

Mr. MCMICHAEL. Yes.

Mr. EASBY-SMITH. That is the letter introducing Mr. McDermott to Mr. Bird?

Mr. MCMICHAEL. Yes, sir.

That is the time I showed him the copy I took to Chesapeake Beach.

TESTIMONY OF RALPH B. FLEHARTY, ESQ.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. State your full name, Mr. Fleharty.

Mr. FLEHARTY. Ralph B. Fleharty.

Mr. EASBY-SMITH. You are a member of the bar of the District of Columbia?

Mr. FLEHARTY. Yes, sir.

Mr. EASBY-SMITH. And you are in my office?

Mr. FLEHARTY. Yes, sir.

Mr. EASBY-SMITH. Do you remember, on the 30th of July, Mr. Fleharty, any arrangement made between us for you to meet Mr. McDermott in my office that night?

Mr. FLEHARTY. Yes, sir; that was the day I returned from my outing down the river, the same day you were going down where I had come from.

Mr. EASBY-SMITH. Do you remember the date?

Mr. FLEHARTY. July 30.

Mr. EASBY-SMITH. Will you state whether or not you were in my office with Mr. McDermott and Mr. McMichael on that night?

Mr. FLEHARTY. Yes, sir. Mr. McDermott called at my apartment, or I met him at the corner of Eighteenth Street and Columbia Road about quarter to 7 o'clock. We then took a Mount Pleasant

car and rode to the corner of Fifth and E Streets, or Seventh and F Streets, where we got off to get a cigar, and walked to the office, arriving there about 20 or 25 minutes past 7, and stayed in my office talking until about 8 o'clock, when Mr. Ambrose, who has the adjoining office, came down the hall, and I went to speak to him, and just as I did that, opened the door, a man came up the stairs. I thought perhaps he was looking for Mr. Ambrose, but he came walking in, and I said, "Whom do you want to see?" and he said "I am McMichael." I said, "Come in." Then he came into the office and he sat down with McDermott and me, and we had a conversation lasting some couple of hours, I imagine.

Mr. EASBY-SMITH. Relate as clearly as you recollect it what the conversation was.

Mr. FLEHARTY. That would be impossible, to go over the details of the conversation. But Mr. McDermott at first took up with McMichael different questions, and I think one of the first questions he asked him—he said, "McMichael, you are here with Mulhall all the time, are you not?" He said, "Yes." He said, "What is your object; what are you doing?" He said, "Well, I am sticking around Mulhall to see where I get off." He said, "I am absolutely broke, and I want to see where I get off in this thing."

Well, the conversation went along with different details, and Mr. McDermott finally asked him, "Mac, how about this letter to Bird? Did I know anything about that?" He said, "No; that letter was written unbeknownst to you," as his expression was. "Mulhall gave it to me and it was sealed up and you knew nothing about it."

Then, McDermott, later on in the conversation, perhaps, asked him about the charge that he had furnished to McMichael—that is, he, McDermott, had furnished to McMichael—advance information about the Hughes amendment, which McMichael, in turn, had given to Mulhall. And McMichael made the statement then that the statement of Mulhall that that had been advanced two or three weeks was an absolute lie, but it had only been secured by him and given by him to Mulhall on the day the amendment was introduced on the floor of the House; that he had been on the floor of the House and the Democratic whip, he called him, told him to go out and round up the Democratic Members; that he had been running down the corridor and he saw Mulhall, and Mulhall stopped him and asked him where he was going, and he said, "I am going out to get the Members to vote on this amendment." "What amendment?" "Why, Mr. Hughes has offered an amendment to the sundry civil bill providing for an eight-hour labor law." He said, "Tell me about it; tell me about it." And McMichael then stated—he called Mulhall an old fool, or something to that effect, and he said he did not have sense enough to understand what he was talking about, and so he wrote it down for him. I think that was about all about the Hughes amendment. They talked about it, back and forth, but I think that was the substance of it.

Mr. EASBY-SMITH. Will you state what, if anything, Mr. Fleharty, was said about the $325?

Mr. FLEHARTY. Mr. McDermott, if I remember correctly, asked McMichael why he wanted this talk with him that night. He said, "You know, Mac, I am absolutely broke." He said, "I have got $8," I think he said, "in my pocket at the present time"; or, perhaps

he had not had $8 during that week. That was the way of it. He said, "You owe me money, and I want it." McDermott said, "How much do I owe you?" "You owe me $325." McDermott wanted to know how he got that. He went into some detail in explaining how McDermott owed him $325. He claimed $75 on account of the money advanced to Mulhall to pay his expenses to Chicago, and he had a list there of different items, $10 cash, $15 cash, and then $10 more cash, and different names, after these items. They footed up, I believe—I do not know how much—but less than $100, I am pretty sure; no, more than $100. I will not be certain of that, because I would not remember how much those different items figured up to. He said that in addition to that, there was an additional $125 that he did not get, but I do not remember what he claimed it was for, unless it was for one-half of what Mulhall was to get for going to Chicago. In other words, the way I understood it, was that Mulhall was to be allowed $250 for his trip to Chicago, and McMichael claimed one-half of that, and since Mulhall had not paid him he wanted McDermott to stand good for it and pay that money to him.

Well, Mr. McDermott wanted to know how he got those figures, and he said he had no recollection of any such thing. I had told Mr. McDermott before not to make any positive statements one way or the other, and let McMichael do as much of the talking as he would. So Mr. McDermott simply said, "I have no recollection of any such thing," or something of that kind, and that was all there was about the money loaned. There was constant talk, of course, about Mulhall. McMichael was very indignant at Mulhall for having made a charge that he, McMichael, had used pages as spies, and as the chairman has put it, his language about Mulhall in that connection was very picturesque, and it was a constant line of abuse and profanity.

Mr. EASBY-SMITH. Now, I want to ask you some specific questions which I put to Mr. McMichael. Will you state whether or not on that occasion, Mr. McMichael said that he never knew of McDermott taking a dishonest dollar?

Mr. FLEHARTY. Yes; that specific question was asked of McMichael by McDermott, and answered in the negative by McMichael.

Mr. STAFFORD. How was it asked?

Mr. FLEHARTY. Mr. McDermott asked McMichael the specific question, "Mac, have you ever known of my taking a dishonest dollar?" And McMichael said, "No; I have not."

Mr. EASBY-SMITH. Will you state whether or not in connection with the claim of money from McDermott, McMichael said he was going on the stand before the House committee on the following Tuesday, and before he went on the stand he wanted to know where he got off?

Mr. FLEHARTY. That was after Mr. McDermott had asked him why he came up there that evening and asked for this interview. He said, "You know I am going on the stand on Tuesday, and I want to know where I get off." He said, "I have been with Mulhall, and if I can stick him up anywhere from ten to one hundred dollars I am going to do it."

Mr. EASBY-SMITH. Do you remember whether or not he said what he would do with the item——

The CHAIRMAN (interposing). Was McMichael asked that when he was on the stand—about that ten to one hundred dollars?

Mr. EASBY-SMITH. I do not think he was.

The CHAIRMAN. I have no recollection of his testifying about that. He admitted these other matters.

Mr. EASBY-SMITH. Do you remember what, if anything, he said he would do with this book of items whenever they should give him the money?

Mr. FLEHARTY. He said he would tear it up.

Mr. EASBY-SMITH. Did he say what he would do if he did not get the money?

Mr. FLEHARTY. No; he did not say.

Mr. EASBY-SMITH. Did Mr. McDermott make any sort of promise to him?

Mr. FLEHARTY. Absolutely none. Mr. McDermott and I were together all the time, and I should say we left my office a little after 10 and walked back to the corner of Seventh and F, where we bought another cigar, and there McMichael left us and McDermott and I went in the same car together.

The CHAIRMAN. Mr. Fleharty, just what was that expression concerning the matter of sticking Mulhall for from $10 to $100—that he intended to do it?

Mr. FLEHARTY. That was when Mr. McDermott said, "McMichael," or "Mac," I think he called him, "you have been with Mulhall every day, have you not?" He said "Yes." He said "What are you doing? What are you hanging around him for?" He said "If I can stick Mulhall up for from $10 to $100"—no; he prefaced that with the statement about being broke, and he said "If I can stick Mulhall up for from $10 to $100, believe me, I am going to do it.

The CHAIRMAN. Was that all of the conversation about that particular thing bearing upon that expression?

Mr. FLEHARTY. He was talking about having gotten money from Mulhall from time to time.

The CHAIRMAN. He was relating the fact that he had already?

Mr. FLEHARTY. Yes; and he said, "If I can stick him for from ten to one hundred dollars, I am going to do it." My conclusion was he was going to continue getting money.

The CHAIRMAN. That it was your conclusion from this that he meant to suggest that if that ten or one hundred dollars—was it your conclusion that that ten or one hundred dollars would influence his testimony in any way?

Mr. FLEHARTY. No; I would not be at liberty to make that statement.

The CHAIRMAN. There was nothing about the conversation to justify that conclusion?

Mr. FLEHARTY. No; except that he was all the time stating Mulhall expected him to corroborate his testimony.

The CHAIRMAN. Was that statement made in any way in connection with this matter of the ten to one hundred dollar proposition? Did it have any connection whatever with that?

Mr. FLEHARTY. I should say it was along in the same conversation, along the same line of conversation. He would go from one point to another and then come back to the other point, and it was——

Mr. STAFFORD. Who would, Mr. McDermott or Mr. McMichael?

Mr. FLEHARTY. Mr. McMichael. But he was constantly referring to the fact that Mr. Mulhall expected him to corroborate his testi-

mony, and that Senator Reed had expected him to corroborate that testimony, and that they were disappointed in the statements that he had made to them privately; that he had not so far——

Mr. WILLIS (interposing). Who was disappointed?

Mr. FLEHARTY. Mr. Mulhall and Senator Reed were disappointed in the fact he had not corroborated Mr. Mulhall's testimony.

The CHAIRMAN. He stated very vigorously that he did not use the pages of the House?

Mr. FLEHARTY. Oh, he was very vigorous about that.

The CHAIRMAN. And that in that respect he could not corroborate Mr. Mulhall and, as a mater of fact, he did not corroborate him on that?

Mr. FLEHARTY. No, sir.

The CHAIRMAN. And perhaps upon some other matters. Were these two particular matters specifically mentioned by him as being a disappointment? Were there any specific matters, or was it just a general statement?

Mr. FLEHARTY. Oh, I do not think there were any specific matters that were mentioned as the subject of the disappointment.

The CHAIRMAN. Just the general statement that Mr. Mulhall and Senator Reed were disappointed because he would not corroborate Mr. Mulhall?

Mr. FLEHARTY. Yes, sir; a private statement; not on the stand.

The CHAIRMAN. I understand.

Mr. FLEHARTY. He made the statement that Senator Reed said to him, "Now, Mr. McMichael, you know more about this, and you have got to tell us," and he said he refused to tell any more, and that they were very indignant at him because he would not go further, and corroborate it in every detail—or, I will not say every detail, but corroborate Mr. Mulhall's testimony.

The CHAIRMAN. Well, do you remember whether or not he used that expression "corroborate him in every detail," or corroborate him fully?

Mr. FLEHARTY. No; I will not use the expression, "every detail"; that is the reason I simply corrected myself; he simply said "corroborate."

The CHAIRMAN. And he used no synonym, or similar expression?

Mr. FLEHARTY. No; he simply said corroborate this testimony.

The CHAIRMAN. You were there, as I understand, representing Mr. McDermott at Mr. Easby-Smith's request?

Mr. FLEHARTY. Yes, sir.

The CHAIRMAN. And you did not know for what purpose Mr. McMichael was coming until he came?

Mr. FLEHARTY. No; I had been out of touch with the case.

The CHAIRMAN. Did you know about the case before that?

Mr. FLEHARTY. Oh, yes; but I had been out of touch with the case for over 10 days, because of the fact I had been away. I had been down to Mr. Easby-Smith's bungalow, down the river. Of course, I knew about the case being in the office prior to my going away for a few days.

The CHAIRMAN. Well, I am just a little anxious to know whether or not you desire the committee to get the impression—and if so, what language there was of Mr. McMichael's to justify it—that if

he could "stick" Mr. Mulhall for $10, or for $100, that it would affect his testimony in any respect?

Mr. FLEHARTY. No; I will not say. I will not say that at all. I only had——

The CHAIRMAN (interposing). You did not mean, by suggesting that, that it made that impression on you, or that you desired that the committee be impressed with that idea?

Mr. FLEHARTY. No; Mr. McMichael gave the opposite impression entirely—that if he could stick Mr. Mulhall up, he would stick him up; in other words, he would be getting $100 from him under the idea that he would corroborate him, but, as a matter of fact, he would not.

The CHAIRMAN. Well, did you get the impression that the consideration for the impression to be made upon Mr. Mulhall would be that $10 or $100?

Mr. FLEHARTY. I did not quite catch that?

The CHAIRMAN. As I understood you, you said that from his talk, you were rather impressed with the idea that Mr. Mulhall was probably being left under the impression that he would corroborate him?

Mr. FLEHARTY. Yes, sir.

The CHAIRMAN. Or had been, for some time?

Mr. FLEHARTY. Yes, sir.

The CHAIRMAN. When, as a matter of fact, he would not coroborate him?

Mr. FLEHARTY. Yes, sir.

The CHAIRMAN. You did not understand; or did you understand? I do not care how the question is put; I am not trying to lead you in any way in putting the questions in a certain form. You did not understand that this $10 or $100 that he was trying to "stick" Mr. Mulhall for had anything to do with Mr. Mulhall's testimony, or do you?

Mr. FLEHARTY. I understood that Mr. Mulhall was paying this money to him with the idea that he would corroborate his testimony.

The CHAIRMAN. Well, he had spoken of getting money from Mr. Mulhall at different times at Fritz Reuter's?

Mr. FLEHARTY. Yes—oh, no; this was not in reference to those items at all.

The CHAIRMAN. Oh, I understand.

Mr. FLEHARTY. This only referred to moneys received since the investigation had started in the Senate.

The CHAIRMAN. Oh, I see. I had gotten a wrong impression. Now, did you understand Mr. McMichael to mean that the payment of this $325 that he was demanding of Mr. McDermott would influence his testimony?

Mr. FLEHARTY. No; Mr. McMichael did not come out and make that bald statement at all.

The CHAIRMAN. Did he use any language that would justify that? Of course, this question that I am asking you would not be admissible in court, but this is an inquiry of such a nature that I feel justified in asking that question.

Mr. FLEHARTY. That is a question that involves the impression made upon my mind, and naturally I was representing Mr. McDer-

mott, and it might have made an entirely different impression on my mind from the impression it might have made on the mind of a disinterested person.

The CHAIRMAN. You have stated as accurately as you can just the language he did use at that time, have you?

Mr. FLEHARTY. Yes, sir.

The CHAIRMAN. That is all.

Mr. RUSSELL. This meeting was held at the instance of Mr. McMichael, was it?

Mr. FLEHARTY. That is what I understood; of course, I do not know about that of my own personal knowledge.

Mr. RUSSELL. Mr. McDermott so reported to you?

Mr. FLEHARTY. Yes, sir.

Mr. RUSSELL. You do not know then, except from Mr. McDermott?

Mr. FLEHARTY. Yes, sir; that was it; Mr. McDermott told me that right along Mr. Easby-Smith had been advising him to keep away from Mr. McMichael, and, of course, I knew Mr. Easby-Smith had informed me that I was to meet Mr. McDermott and Mr. McMichael there that night.

Mr. RUSSELL. Well, and when they got together there, who seemed to begin the business conversation?

Mr. FLEHARTY. Well, I do not know. I think that the conversation started in this manner: Mr. McDermott said, "Well, McMichael, you see you are going on the stand on Tuesday," and he said, "Yes; I am going on the stand on Tuesday," and then what followed I am not sue of, but that was the opening of the conversation.

Mr. STAFFORD. The negotiations, then, or the conversation did begin by Mr. McDermott asking that question?

Mr. FLEHARTY. I think so; I will not be positive about that.

Mr. RUSSELL. Well, what seemed to be the chief purpose of Mr. McMichael in that meeting, or that conversation?

Mr. FLEHARTY. Well, now, there was where the chairman's question about the impression made upon my mind comes in. I, of course, went in there with the idea that Mr. McMichael planned for this meeting, and, after dickering around, and talking about different phases of the case, Mr. McMichael came down and said: "Well, this is what I came here for"——

Mr. RUSSELL. That was the $325?

Mr. FLEHARTY. Yes. "This money that you owe me." And, of course, it would be only in connection with those two facts that I would form any impression of what Mr. McMichael meant.

Mr. RUSSELL. The business, so far as you could gather from Mr. McMichael's conversation, or his object was, to try to collect the $325?

Mr. FLEHARTY. Yes; try to collect the $325.

Mr. RUSSELL. And, so far as you could see, he had no other purpose in the meeting?

Mr. FLEHARTY. That was all that would appear on the surface of the conversation; yes, sir.

Mr. RUSSELL. Mr. McDermott neither admitted nor denied that he owed the $325?

Mr. FLEHARTY. No; that would not be exactly correct, because he did practically deny it; but I had told Mr. McDermott beforehand—I told him, "Now, you keep as noncommittal as possible, and let

Mr. McMichael do the talking, because I do not know what Mr. McMichael's object is in coming here, and we are simply here to find out what his object is in calling you up and arranging for this interview."

Mr. RUSSELL. Well, then, was it not your purpose, as his attorney, to lay a foundation for testimony that you have given here?

Mr. FLEHARTY. No; I had no idea at that time of ever appearing in the case, on the stand or in any other way.

Mr. RUSSELL. But you did caution Mr. McDermott to say very little and get all he could out of Mr. McMichael?

Mr. FLEHARTY. That was it, exactly.

Mr. RUSSELL. Well, what was the purpose, unless it was to arrange the testimony for the investigation?

Mr. FLEHARTY. No. The idea was more to ascertain what Mr. McMichael was going to testify to, or what his idea about the case was, don't you see? How he felt about it; what his testimony would be; along what line.

Mr. RUSSELL. Well, you stated that Mr. McMichael said that if he would pay him the $325, he would destroy the book—that referred to his account?

Mr. FLEHARTY. This was a sheet; the only thing I saw in the book was a sheet of paper containing the various items of money.

Mr. RUSSELL. But if the $325 was paid to him, he would destroy that?

Mr. FLEHARTY. Yes, sir; that was the idea.

Mr. RUSSELL. I just wanted to know whether that was the book referred to.

Mr. FLEHARTY. Yes, sir.

Mr. RUSSELL. That is all.

Mr. FERRIS. They talked about two hours, Mr. Fleharty, did they, there?

Mr. FLEHARTY. I imagine it took all of two hours.

Mr. FERRIS. Did Mr. McMichael do most of the talking?

Mr. FLEHARTY. Yes, sir; he did most of the talking.

Mr. FERRIS. But Mr. McDermott did some of the talking?

Mr. FLEHARTY. Mr. McDermott did some of the talking; yes, sir.

Mr. FERRIS. Do you recall Mr. McMichael saying that "if any items on this list are not genuine and satisfactory to you, Mr. McDermott, I will strike them off"?

Mr. FLEHARTY. Yes; I think he said, "Mr. McDermott, if you don't remember these, I will strike them off," and Mr. McDermott said, "Well, I do not remember."

Mr. EASBY-SMITH. He did not remember. Now, did he point out the ones that he did not remember?

Mr. FLEHARTY. No; the book was not in evidence at that time, because we were all sitting in my office, and, if I remember correctly, the light was turned on in the next room only, on account of this being a hot night.

Mr. FERRIS. Yes.

Mr. FLEHARTY. And we had all the windows up.

Mr. FERRIS. Well, they did have a sheet of paper or book there, did they not?

Mr. FLEHARTY. Well, that was when we went into the next room.

Mr. FERRIS. And the paper showed $10 for this item, and $10 for that, and $20 for this, and $20 for that?

Mr. FLEHARTY. Yes, sir.

Mr. FERRIS. Now, did Mr. McDermott attempt to strike off the amounts that were disputed, or the items that were disputed?

Mr. FLEHARTY. No; this was the way it happened, as I remember: Mr. McMichael simply had a brief memorandum in writing——

Mr. FERRIS (interposing). Who did; Mr. McMichael?

Mr. FLEHARTY. Yes, sir. And he had them in his book, and he called them off—"$10 for this," "$10 cash," etc.; and he would try to tell Mr. McDermott where and when Mr. McDermott received that money from him. Some places would be in Fritz Reuter's, and some places would be in his office, and various other places, and Mr. McDermott would say: "Well, I do not remember; I have no recollection of it."

Mr. FERRIS. Then what would Mr. McMichael do? In keeping with his original statement, would he strike it off?

Mr. FLEHARTY. No; because he did not have the book out at that time.

Mr. FERRIS. He did not have the book out?

Mr. FLEHARTY. No, sir; that was in the next room.

Mr. FERRIS. Well, did they later bring the book out and examine it?

Mr. FLEHARTY. Yes, sir.

Mr. FERRIS. Then did Mr. McMichael repeat his statement that "Any of those that are not correct I will strike out"?

Mr. FLEHARTY. No; the book was brought out for one particular item.

Mr. FERRIS. One particular item that was disputed?

Mr. FLEHARTY. Yes; one particular item that was disputed.

Mr. FERRIS. Was there only one item that was disputed in that conversation?

Mr. FLEHARTY. No; there were lots of items disputed, but this particular item, by reason of the fact, or the way that Mr. McMichael had worded it, Mr. McDermott objected to it more vigorously than others.

Mr. FERRIS. Then it was only an objection to the form rather than to the amount; is that it?

Mr. FLEHARTY. With that particular item; yes, sir.

Mr. FERRIS. Well, as a matter of fact, did Mr. McDermott agree that $325 was the proper amount?

Mr. FLEHARTY. No; he did not.

Mr. FERRIS. Did they agree on any sum?

Mr. FLEHARTY. They agreed on no sum.

Mr. FERRIS. They merely talked of a settlement which never materialized?

Mr. FLEHARTY. Well, Mr. McDermott never made any promises one way or the other.

Mr. FERRIS. He never made any promises, one way or the other?

Mr. FLEHARTY. That he would pay him anything on account.

Mr. FERRIS. He did say, "McMichael, you expect to take the stand next Tuesday," did he not?

Mr. FLEHARTY. I think that was the beginning——

Mr. FERRIS (interposing). Of the conversation?

Mr. FLEHARTY. Yes, sir.

Mr. FERRIS. Did Mr. McMichael make him any offer or proposition at all?

Mr. FLEHARTY. Oh, no, sir.

Mr. FERRIS. None at all.

Mr. FLEHARTY. No.

Mr. FERRIS. No money was paid there, and none was promised?

Mr. FLEHARTY. No money was paid or promised, and no amount was agreed upon in any manner, shape, or form.

Mr. FERRIS. Mr. McMichael did say that if he could, in the language of the street, "string" Mr. Mulhall for $10 or $100, why, he would do it, and "double-cross" him; is that it?

Mr. FLEHARTY. He did not use the word "double-cross"; he——

Mr. FERRIS (interposing). But that was the effect of it, was it not?

Mr. FLEHARTY. That was the idea conveyed to me.

Mr. FERRIS. That was going to take Mr. Mulhall's money, and then——

Mr. FLEHARTY (interposing). I got the idea that he was expected to corroborate Mr. Mulhall's testimony, and then he would go on the stand and fail to corroborate Mr. Mulhall's testimony.

Mr. FERRIS. He said he was going to pursue that course, did he?

Mr. FLEHARTY. That was about it; yes, sir.

Mr. FERRIS. Did Mr. McDermott make any response or reply or any suggestions to that?

Mr. FLEHARTY. I think he said something about "So that is your game, is it?" Something of that kind.

Mr. FERRIS. Mr. McDermott did say, "He is an old faker, anyway, and you had better stick to me," did he not?

Mr. FLEHARTY. No; nothing of the kind.

Mr. STAFFORD. Who was present at that time?

Mr. FLEHARTY. Mr. McDermott, Mr. McMichael, and myself.

Mr. STAFFORD. Not Mr. Barker?

Mr. FLEHARTY. No; Mr. Barker was not there.

Mr. STAFFORD. Did you do any of the talking?

Mr. FLEHARTY. What is that?

Mr. STAFFORD. Did you do any of the talking?

Mr. FLEHARTY. No; I did very little of the talking. As I say, I had been out of touch with the case for pretty nearly 10 days, and when I left the office it had hardly developed to any extent, and I knew very little about the case, as a matter of fact. I knew very little about the charges, and was not in a position to ask any intelligent questions about it.

Mr. STAFFORD. Did you ask Mr. McMichael any questions?

Mr. FLEHARTY. Yes; I remember asking him two or three questions.

Mr. STAFFORD. What were they?

Mr. FLEHARTY. I could not tell you now what they were.

Mr. STAFFORD. You could not recall the subjects?

Mr. FLEHARTY. I know that they got off of the lobby investigation entirely—Mr. McMichael did at one time—and talked about absolutely foreign matters. And that took up considerable time.

Mr. STAFFORD. And what was the nature of that foreign subject?

Mr. FLEHARTY. It was concerning the Mann White-Slave Act, and he asked me certain questions, or asked my legal opinion concern-

ing certain features of the Mann White-Slave Act, and I told him I was not informed about the act, though I told him, in a general way, what I understood about it.

Mr. STAFFORD. How long a time did the conversation on that foreign subject take?

Mr. FLEHARTY. Oh, I suppose—I would not undertake to say whether it was 10 or 15 minutes.

Mr. STAFFORD. It was about 10 or 15 minutes?

Mr. FLEHARTY. Something like that.

Mr. STAFFORD. What questions did Mr. McDermott ask Mr. McMichael?

Mr. FLEHARTY. He asked him, as I have repeated, he said, "Mac, how about that letter to Bird? Did I know anything about it?" And Mr. McMichael responded, as I——

Mr. STAFFORD (interposing). What letter was it?

Mr. FLEHARTY. That is the letter that I did not understand at all.

Mr. STAFFORD. Did they have a copy of the letter there?

Mr. FLEHARTY. What is that?

Mr. STAFFORD. Did they have a copy of the letter there?

Mr. FLEHARTY. No; they had no copy of it, except that I understood it was a letter signed by Mr. Mulhall, and addressed to Mr. Bird.

Mr. STAFFORD. That was all that was said? Just give us the conversation about that letter.

Mr. FLEHARTY. He said, "How about that letter to Mr. Bird?" And Mr. McMichael said, "Well, that letter was written by me, and signed by Mr. Mulhall, without your knowledge, and 'unbeknownst' to you."

Mr. STAFFORD. You did not have a copy of that letter?

Mr. FLEHARTY. No; I did not have a copy of the letter.

Mr. STAFFORD. There was no copy presented?

Mr. FLEHARTY. There was no copy presented.

Mr. STAFFORD. And yet Mr. McMichael knew the letter, notwithstanding the fact that there had been hundreds of letters addressed by him to Mr. Bird?

Mr. FLEHARTY. I do not know about that, of course.

Mr. STAFFORD. Well, the record here shows hundreds of letters addressed by Mr. Mulhall to Mr. Bird, and yet——

Mr. FLEHARTY (interposing). Well, they seemed to agree on some certain letter, anyhow, that they were talking about, because, as I say, I really did not know what the letter was, because I was not advised about it.

Mr. STAFFORD. What else did Mr. McDermott ask Mr. McMichael about?

Mr. FLEHARTY. Then he asked him about Mr. Mulhall, saying, "I gave you advance information on the Hughes amendment," and it seems to me Mr. McMichael's expression was, "Well, that is all poppycock, that was an accident"—or, by the way, he said in that connection that that was "the only bit of advance information that I ever gave Mr. Mulhall." He says, "All the rest of the stuff I gave him any fool could have gotton if he listened around in the galleries and paid attention to what happened, and what went on."

Mr. STAFFORD. Well, who brought up the subject of Mr. McDermott's asking him about the amount owing?

Mr. FLEHARTY. That was Mr. McMichael who brought that up.

Mr. STAFFORD. What did Mr. McDermott say?

Mr. FLEHARTY. He would call off these items, and Mr. McDermott would say, "I do not remember, I have no recollection of any such thing."

Mr. STAFFORD. When did you say this meeting took place?

Mr. FLEHARTY. It was July 30, in my office, at 426 Fifth Street, about from 8 o'clock in the evening to 10 o'clock in the evening. It was the day of the big storm, if you will remember, on Wednesday.

Mr. STAFFORD. You were acquainted with the fact of Mr. Easby-Smith having been down at Chesapeake Beach, were you not?

Mr. FLEHARTY. No, sir; that was while I was away, according to this testimony.

Mr. STAFFORD. And Mr. Easby-Smith did not tell you about that prior to this time?

Mr. FLEHARTY. No; I do not suppose I saw Mr. Easby-Smith more than half an hour altogether during that day. He was running around, very busy, preparing to take several articles down the river, and I do not suppose I saw him more than half an hour or a quarter of an hour altogether that day.

Mr. STAFFORD. Did Mr. McDermott refer to that meeting?

Mr. FLEHARTY. Yes; I am sure that Mr. McDermott said, "Well, you have got $25 from Mr. Easby-Smith," and Mr. McMichael said, "Yes."

Mr. STAFFORD. Is that all that was said about it?

Mr. FLEHARTY. Yes, sir.

Mr. STAFFORD. Nothing more was said?

Mr. FLEHARTY. No, sir.

Mr. STAFFORD. Mr. McDermott did not say, "You only claimed $75 when you met my attorney, Mr. Easby-Smith, and now you are asking for $325"?

Mr. FLEHARTY. Now, that you suggest it, I think he did.

Mr. STAFFORD. Then you would wish to change what you said before; you think something did develop there about that?

Mr. FLEHARTY. Yes. I think that he did say, "How is it you have raised it to $325? I thought it was only $75"—something like that, from what Mr. Easby-Smith told me.

Mr. STAFFORD. Well, what did Mr. McMichael say?

Mr. FLEHARTY. No; I do not know that Mr. McMichael—I know he did not agree to that, but what reply he made I could not state.

Mr. STAFFORD. Well, what did Mr. McDermott say, then?

Mr. FLEHARTY. Well, then, they went on and——

Mr. STAFFORD (interposing). Well, did Mr. McDermott drop that then and there, after that brief reply?

Mr. FLEHARTY. Yes; he did not insist on that point at all. He said, "Well, go ahead."

Mr. STAFFORD. That meeting at Chesapeake Beach had taken place within a week, had it not?

Mr. FLEHARTY. Yes, sir.

Mr. STAFFORD. And yet Mr. McDermott did not say anything—he just passed it by?

Mr. FLEHARTY. He said, "Well, go ahead," and Mr. McMichael went ahead reading off the items of money loaned or money advanced.

Mr. STAFFORD. Well, after he got through going over those items, what took place?

Mr. FLEHARTY. Well, I think that Mr. McDermott said, "Well, McMichael, I do not remember those items, and you know very well that I am hard up and have not got any money myself at the present time." That is about what disposed of that particular branch of the conversation.

Mr. STAFFORD. Well, what came up next?

Mr. FLEHARTY. Well, I would not attempt to detail this conversation in the way it happened—I mean what followed in sequence, because——

Mr. STAFFORD (interposing). Well, you have distinctly in mind that three occurrences took place?

Mr. FLEHARTY. I have it in mind partially; but when one particular part of the conversation occurred with respect to the other I would not attempt to state.

Mr. STAFFORD. Well, what else took place?

Mr. FLEHARTY. Well, what I have enumerated here.

Mr. STAFFORD. Nothing more?

Mr. FLEHARTY. Well, I have no doubt there were several other subjects discussed.

Mr. STAFFORD. What subjects?

Mr. FLEHARTY. Well, now, perhaps I—I know that Mr. McDermott did ask Mr. McMichael another question. He said, "Mac, how about all these letters you wrote to Mr. Mulhall? Did I know anything about those?" He says, "No; they were written absolutely without your knowledge and without your authority."

Mr. STAFFORD. Try to refresh your memory also as to the Reed incident.

Mr. FLEHARTY. Which incident?

Mr. STAFFORD. The Senator Reed incident.

Mr. FLEHARTY. Do you want me to go into the details and tell exactly how that came up?

Mr. STAFFORD. I will be glad if you will.

Mr. FLEHARTY. I can. This is the way: Mr. McMichael said he had received a telegram, signed by Mr. Mulhall, from New York, stating that "Senator Reed wishes to see you at once. Will pay your expenses." That he got on the train, I think he said he had $12 in his pocket, or $11. He got on the train—oh, yes; this telegram also told him to meet him at the New York World office. He got on the train and went to New York, and met Mr. Mulhall and Senator Reed and Mr. Leibold, I think that is the name—Leibold or Seibold.

Mr. STAFFORD. It was Seibold.

Mr. FLEHARTY. Or something like that. And that they had a long conference, and that was when Senator Reed was very indignant or provoked with Mr. McMichael, that he would not, as Mr. McMichael put it, "come across" and tell all he knew. And Mr. McMichael also said about that that he had been paid his expenses and got on the train and came back the day after, I think. Or, he was there two days, if I remember correctly, altogether. I will not be positive about that, however.

Mr. STAFFORD. When was that that Mr. McMichael said that interview had taken place?

Mr. FLEHARTY. That was, as I recall—it was before, of course, the Senate lobby investigation started, but right after the World article came out, I think.

Mr. STAFFORD. Shortly after that—not before the Senate lobby investigation started, because——

Mr. FLEHARTY (interposing). I mean before it started with reference to the Mulhall phase of it.

Mr. STAFFORD. The Mulhall phase. What was the nature of the talk in the last half hour, or 15 minutes, before you separated?

Mr. FLEHARTY. That was at the corner of Seventh and F Streets.

Mr. STAFFORD. Was Mr. McMichael with you then?

Mr. FLEHARTY. Mr. McMichael walked to Seventh and F Streets with us.

Mr. STAFFORD. I asked you what was the nature of the talk?

Mr. FLEHARTY. That was what I was going to say. And there again Mr. McMichael pressed upon Mr. McDermott the loan of some money. He said, "Can't you pay me something on account? Can't you give me $8 or $10 or $12, or something like that?—I have not got a cent."

Mr. STAFFORD. Mr. McDermott did not say he had just given $25 to him?

Mr. FLEHARTY. No; he did not do that. But Mr. McDermott just kind of brushed it aside.

Mr. STAFFORD. What did Mr. McMichael say as to his going on the stand when he left or just before leaving?

Mr. FLEHARTY. I do not think there was any reference to that before he left or just before he left.

Mr. STAFFORD. Mr. McDermott did not positively deny that he owed this money—these various items scheduled?

Mr. FLEHARTY. No; he did not positively deny it. He just simply——

Mr. STAFFORD (interposing). Mr. McMichael did not ask when he would see him again?

Mr. FLEHARTY. No; there was not any such remark as that made.

Mr. STAFFORD. He did not say what was the purpose of the interview when nothing had been accomplished?

Mr. FLEHARTY. No; that was what I thought when I saw Mr. McDermott afterwards. I said there was a little over two hours absolutely wasted.

Mr. STAFFORD. Mr. McMichael did not say he was going to go on the stand and testify if he did not get this money?

Mr. FLEHARTY. Oh, no; he did not come out in any such manner as that.

Mr. STAFFORD. Just went over the items of indebtedness that he claimed that Mr. McDermott owed him?

Mr. FLEHARTY. Yes, sir; and the other conversation I have mentioned.

Mr. STAFFORD. Mr. McDermott did not give him any inducement to believe it would be paid?

Mr. FLEHARTY. No; not at all. Mr. McMichael could not do otherwise, I do not think, than believe that Mr. McDermott did not intend to acknowledge these claims.

Mr. STAFFORD. Or any part of them?

Mr. FLEHARTY. Well, I will not say that, because Mr. McDermott had already stated that he had increased, or gone up, since he had last heard of it; gone up from $75 to $325.

Mr. STAFFORD. Did Mr. McDermott in that interview admit that he owed Mr. McMichael $75—or the balance, $50?

Mr. FLEHARTY. No; he did not put it that way; he said that Mr. McMichael had gone up from $75 to $325.

Mr. STAFFORD. Mr. McMichael did not say, "Well, you are getting your $625 per month now, you can pay this $325, and everything will be satisfactory, and I won't go on the stand"?

Mr. FLEHARTY. He did refer to something about Mr. McDermott getting $625 a month, and he did not get anything; that he had not been getting anything; that Mr. McDermott had had him fired, and Mr. McDermott denied that, and then Mr. McMichael said, "Then it is a matter of veracity between you and Senator Reed, because Senator Reed said you did have me fired."

Mr. STAFFORD. Was anything more said about who was responsible for his discharge at this interview?

Mr. FLEHARTY. No. Mr. McDermott denied that he had been responsible for it.

Mr. STAFFORD. Now, do you recall anything else that took place at that interview?

Mr. FLEHARTY. No. But I think if you will ask any more of these suggestive questions, I might. You seem to ask questions that suggest it to me.

Mr. STAFFORD. Well, of course you knew you were going to come on the stand and testify?

Mr. FLEHARTY. No; I did not at that time.

Mr. STAFFORD. Not at that time, but you have known it for a number of days?

Mr. FLEHARTY. I know, but I simply understood that I was going to come on the stand to impeach Mr. McMichael.

Mr. STAFFORD. Well, of course, you knew that you would be asked to testify as to everything that took place, especially if you were the attorney of Mr. McDermott, and Mr. McMichael was not represented by an attorney?

Mr. FLEHARTY. I had not thought of that phase of it. But you can realize how hard it is, offhand, to recall a conversation extending over that period of time.

Mr. STAFFORD. But under the circumstances leading to that conversation, I think an attorney would be apt to recall distinctly every incident of it.

Mr. FLEHARTY. I think I can recall every incident, if there is any way of refreshing it to my mind. I can recall it, but I can not relate it offhand.

Mr. STAFFORD. Well, it was a very recent meeting, only last July 30, about a month ago. That is all.

The CHAIRMAN. Did they part amicably?

Mr. FLEHARTY. Well, they would appear to be on rather amicable terms. Yet there was a strained relation between the two of them all the time.

The CHAIRMAN. When Mr. McMichael was showing him this account, going over this account with him, would he attempt to refresh

his recollection by asking any questions or making any suggestions to him?

Mr. FLEHARTY. Yes; he would say, "That is $10 that I loaned you down at Fritz Reuter's on such and such an occasion."

The CHAIRMAN. And did he go through all the items practically in that way?

Mr. FLEHARTY. Yes; he went through all the items that way.

The CHAIRMAN. And did Mr. McDermott deny each of them, or——

Mr. FLEHARTY (interposing). I think Mr. McDermott denied every one of them virtually.

The CHAIRMAN. That is, his manner was such as to virtually deny each of them?

Mr. FLEHARTY. Yes, sir; that is, he said he had no recollection of them.

Mr. WILLIS. Who arranged this meeting at your office?

Mr. FLEHARTY. As I told Mr. Garrett, the meeting was arranged, so far as I knew, between Mr. McMichael and Mr. McDermott. Mr. McMichael had called up Mr. McDermott, but that was simply hearsay, so far as I am concerned, because Mr. Easby-Smith and Mr. McDermott arranged with me to be there that evening.

Mr. WILLIS. When the parties came together for the conversation, could you tell who was taking the initiative in the matter—who it was that started in to talk and what it was they said?

Mr. FLEHARTY. As I said, it seems to me the first conversation was simply preliminary. The conversation was opened up by Mr. McDermott saying to Mr. McMichael, "Well, you say you are going on the stand Tuesday."

Mr. WILLIS. Did he say anything about going on the stand Tuesday?

Mr. FLEHARTY. Yes; Mr. McDermott told me McMichael called him up on the phone and said he was going on the stand Tuesday and wanted to see him before then.

Mr. WILLIS. I understood you to say, in your testimony, that Mr. McMichael related that Mr. Mulhall expected him—McMichael—to go on the stand and corroborate his—Mulhall's—story.

Mr. FLEHARTY. Yes, sir.

Mr. WILLIS. Was anything said by Mr. McMichael to indicate that if this $325 was paid he would corroborate the story?

Mr. FLEHARTY. Oh, no; he said he was not going to corroborate it anyhow.

Mr. WILLIS. That had no connection with the discussion of this alleged debt?

Mr. FLEHARTY. No, sir.

Mr. WILLIS. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Fleharty, you may be excused.

Mr. EASBY-SMITH. We want to call Mr. Orbello.

TESTIMONY OF MR. F. P. ORBELLO, OF WASHINGTON, D. C.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. Mr. Orbello, will you state your full name?

Mr. ORBELLO. My name is Orbello; initials, F. P.

Mr. EASBY-SMITH. What is your business?

Mr. ORBELLO. Manager of the Hotel Driscoll.

Mr. EASBY-SMITH. How long have you been manager of the Hotel Driscoll?

Mr. ORBELLO. July 26, 1905.

Mr. EASBY-SMITH. Since that date up to the present time?

Mr. ORBELLO. Up to the present time.

Mr. EASBY-SMITH. I show you a book. Will you state what it is, Mr. Orbello [handing book to witness]?

Mr. ORBELLO (after examining book). That is our register used at the Hotel Driscoll.

Mr. EASBY-SMITH. Was it used there on Wednesday, the 4th of January, 1911?

Mr. ORBELLO. It was.

Mr. EASBY-SMITH. This is the original book?

Mr. ORBELLO. The original book.

Mr. EASBY-SMITH. I show you under date of Wednesday, January 4, 1911, the following: "Jas. T. McDermott, son and wife, Chgo." Under the column "time" is apparently the letter "B" written over the letter "E"; "Rooms 424–5."

Will you state what the "B" means?

Mr. ORBELLO. "B" means arrived for breakfast.

Mr. EASBY-SMITH. What does 424–5 mean?

Mr. ORBELLO. Rooms occupied; they occupied rooms 424–425.

Mr. EASBY-SMITH. Have you any independent recollection, Mr. Orbello, about Mr. McDermott and his family coming there on that occasion?

Mr. ORBELLO. I would not remember the exact time of his arrival. The clerk would have attended to that.

Mr. EASBY-SMITH. Do you know Mr. McDermott?

Mr. ORBELLO. Personally.

Mr. EASBY-SMITH. He has stopped at your hotel from time to time?

Mr. ORBELLO. At various times.

Mr. EASBY-SMITH. Have you examined that hotel register to see whether or not he had been there for a week or two prior—whether he had registered there a week or two prior to that?

Mr. ORBELLO. A week or two prior to January 4?

Mr. EASBY-SMITH. Yes; had he registered there a week or two prior or a short time before his arrival there on January 4, 1911?

Mr. ORBELLO. I do not remember that.

Mr. EASBY-SMITH. Do you remember his being in the hotel during the month of December—any time in December, 1910?

Mr. ORBELLO. No; that is quite a ways back.

Mr. EASBY-SMITH. So far as you know—well, I will ask you to examine the register from the 20th of December to the 4th of January, and state whether he registered at any time during that period.

Mr. ORBELLO (after examining book). His name does not appear between those dates.

Mr. EASBY-SMITH. Did I ask you whether or not you are familiar with the signature of Mr. McDermott?

Mr. ORBELLO. I am very familiar with his signature.

Mr. EASBY-SMITH. State whether or not that writing which I read to you under date of January 4, 1911, is his genuine signature?

Mr. ORBELLO. It is.

Mr. EASBY-SMITH. If the committee please, I offer that in evidence. I presume it may be copied in the record and the witness may take his book back.

The CHAIRMAN. Yes.

(The record is as follows:)

Date.	Name.	From.	Time.	Rooms.
Jan. 4, 1911	Jas. T. McDermott, son, and wife.....	Chgo.	B	424-5

Mr. EASBY-SMITH. That is all I have to ask the witness, if the committee please.

The CHAIRMAN. Mr. Orbello, I believe you stated you do not remember whether he stopped there in December, 1910, or not?

Mr. ORBELLO. I don't remember. The book does not show from December 20 on, and it would show if he had arrived after the 20th, from the 20th on.

The CHAIRMAN. As to whether he had arrived there prior to the 20th, you have not examined?

Mr. ORBELLO. No, sir.

The CHAIRMAN. Suppose he had arrived prior to the 20th and had left the hotel before then and returned at any time subsequent

Mr. ORBELLO. That book would show that.

Mr. STAFFORD. Have you any record which shows when Mr. McDermott was at your hotel, when he arrived and when he left?

Mr. ORBELLO. The register would show his arrival and the ledger charge sheet would show his departure, if he closed the account on his departure. If he did not close his account, but kept his rooms, the ledger would show "off" at a certain date, but the register would not.

Mr. STAFFORD. If it becomes material to know what the register shows, we can easily obtain it?

Mr. ORBELLO. Yes.

Mr. EASBY-SMITH. If the committee please, I desire to state that if the committee wishes the witness to produce those books, I have no objection; but I expect to prove where Mr. McDermott was during the early part of December, 1910, and it was not at this hotel.

The CHAIRMAN. We are not asking the witness for them now.

Mr. EASBY-SMITH. Yes.

The CHAIRMAN. You may be excused, Mr. Orbello.

Mr. EASBY-SMITH. Mr. Bird, will you be sworn?

TESTIMONY OF MR. J. PHILIP BIRD, OF NEW YORK, N. Y.

(The witness was duly sworn by the chairman.)

Mr. EASBY-SMITH. Your name is J. P. Bird?

Mr. BIRD. Yes, sir.

Mr. EASBY-SMITH. Will you state, Mr. Bird, whether or not on the 17th day of July, 1911, you were general manager of the National Association of Manufacturers?

Mr. BIRD. Yes, sir.

Mr. EASBY-SMITH. Mr. Bird, do you know Mr. McDermott—Representative McDermott?

Mr. BIRD. I once met him in my office, 30 Church Street, New York.

Mr. EASBY-SMITH. Did you ever see him before or since that time?

Mr. BIRD. Never before, and only since these hearings commenced; he sat behind me when the hearings started, and he introduced himself to me. I should not have known him.

Mr. EASBY-SMITH. I show you a letter, No. 4275, in Senate print, part 35, page 3364, and ask you to read that, Mr. Bird, and state whether or not you have any recollection of it?

Mr. BIRD (examining letter). Yes; I remember this letter.

Mr. EASBY-SMITH. Did you receive that letter?

Mr. BIRD. I did, sir.

Mr. EASBY-SMITH. Please state where, when, and under what circumstances you received it.

Mr. BIRD. It was in the afternoon. I do not know that it was July 17, but it must have been thereabouts. A gentleman came into my office and handed me this letter and introduced himself as Mr. McDermott. I opened the letter, and it contained what is here printed.

Mr. EASBY-SMITH. Have you any recollection as to whether it was open or sealed?

Mr. BIRD. Not positively. My impression would be that the letter would be sealed, because there are very few letters that come into my office in the envelope that are unsealed. If they are unsealed they are opened in the outer office.

Mr. EASBY-SMITH. Did you see anybody else with Mr. McDermott on that occasion?

Mr. BIRD. No, sir.

Mr. EASBY-SMITH. Have you ever seen Mr. McMichael, who has testified here?

Mr. BIRD. He was pointed out to me in the Senate Building one day this summer.

Mr. EASBY-SMITH. Do you recall whether or not he was present on that occasion?

Mr. BIRD. Oh, no; he was not.

Mr. EASBY-SMITH. Will you relate, as fully as you now recall it, the conversation you had with Mr. McDermott on that occasion?

Mr. BIRD. Mr. McDermott presented this letter to me and stated he was interested in some aeroplane or flying machine that was being built in Bridgeport, I think, by a man named—I think it was Murphy; I am not sure. He stated that he had put a lot of money into it, and that that letter had been handed to him by Mr. Mulhall, and he had come over with an idea of trying to get me to write a letter to some of our members with the hope that I could get some of our members to guarantee an order for him for some engines that had to be installed in this flying machine. I rather smiled at the proposition, it was so unique, and I told him in my position I was quite sure it was something I could not and would not do. Our interview was very short.

Mr. EASBY-SMITH. Is that all you recall of the conversation, Mr. Bird?

Mr. BIRD. That is all I recall of it.

Mr. EASBY-SMITH. Did you hear from Mr. McDermott after that?

Mr. BIRD. Never.

Mr. EASBY-SMITH. Did you hear from anyone else concerning this matter?

Mr. BIRD. The flying machine?

Mr. EASBY-SMITH. This matter or Mr. McDermott?

Mr. BIRD. I never heard anything more about the flying machine.

Mr. EASBY-SMITH. Did you hear anything more from Mr. McDermott?

Mr. BIRD. Not from Mr. McDermott. I never had a line or a word of any kind from him.

Mr. EASBY-SMITH. This letter, Mr. Bird, reads:

This letter will introduce to you one of the very best friends we have in Washington, Mr. James T. McDermott, a Member from the fourth congressional district of Illinois.

I know it is not necessary to call your attention to the many good things I have said in my letters concerning Mr. McDermott to you, for if it was not for the splendid assistance he has given us on many occasions, we would have found ourselves traveling over a very rough road here in Washington.

Mr. McDermott is greatly interested in a patent which he wishes to call to your attention, and which I know he will fully explain to you when he hands you this letter. I will take it as the greatest favor you can bestow if you will aid him in any way you can along this line.

So, hoping to hear that you have had a very pleasant chat and interview with Mr. McDermott, believe me, as ever,

Faithfully, yours.

Now, do you recall, Mr. Bird, ever having heard of Mr. McDermott before that?

Mr. BIRD. Oh, yes; in letters from Mr. Mulhall.

Mr. EASBY-SMITH. Do you recall, without a reference to those letters, what any of these things about Mr. McDermott were?

Mr. BIRD. No; I could not without seeing the letters.

Mr. EASBY-SMITH. That is all, I think, if the committee please.

The CHAIRMAN. Mr. Bird, you say your guess is that the letter was sealed, because it would have probably been opened in the outside office if it had been unsealed?

Mr. BIRD. Yes.

The CHAIRMAN. Of course, this letter of introduction was presented in person?

Mr. BIRD. Yes; but let me explain to you, Mr. Chairman, it is customary for a number of people to come to my office, and if a letter is unsealed, it is opened by the lady at the telephone or information desk. She examines the letter to find out whether the man really wants to see me or some one in some other department, and it is largely in her discretion whether a letter shall be opened or not. But she never opens a sealed letter. She has her positive instructions about that, but any letter unsealed she has a perfect right or privilege to open and see if the person wants to see some one else, because many times a man comes in and wants to see the general manager, and if it is about an advertising matter, she will send him to the advertising manager, or if it is about legislation or trade laws, she will send him to the legal department, and those things it is not necessary to bother me with. And, many times, the letters are brought by messengers; therefore she opens them. If they are sealed, they come to my office, and if they do not belong to me or go to some one else, I make a notation and send them back by the boy to

Miss Fountain, who is the young lady, and she then directs them to the proper department.

The CHAIRMAN. I suppose you are sure the letter was presented by Mr. McDermott himself?

Mr. BIRD. That I am positive of.

The CHAIRMAN. Would you recognize him as the gentleman who did present it?

Mr. BIRD. That is the gentleman sitting over there [indicating]. He introduced himself to me when these hearings first started.

Mr. RUSSELL. You were the president of the association at that time?

Mr. BIRD. No, sir.

The CHAIRMAN. The manager.

Mr. BIRD. General manager.

Mr. RUSSELL. Did you know from the letters that you had received from Mr. Mulhall whether Mr. McDermott had been friendly to legislation that your people favored?

Mr. BIRD. I might say that Mr. Mulhall's letters would advise us he was friendly; but I am personally in New York and I did not know.

Mr. RUSSELL. Did Mr. McDermott in his conversation with you at that time make any reference to assistance rendered to your association?

Mr. BIRD. Oh, no. We talked of nothing but this flying machine and this engine.

Mr. RUSSELL. You do not know, then, whether he knew the contents of that letter or not?

Mr. BIRD. Why, that I could not say; because, as I say to you, my impression was the letter was sealed, because it came to my office; and if it had been unsealed it would have come in without an envelope.

Mr. FERRIS. Did he intimate how much it would take to get the flying machines in running order?

Mr. BIRD. I believe I asked him how much these engines would cost. Being considerable of a motorist myself, I was interested in the class of engine, perhaps, and was curious to know how much engines on an aeroplane would cost. He gave me the information of about six to eight thousand dollars. It was a pair of engines. As I understood from him, there was to be an engine on each side of the seat. This aeroplane, as I remember, was something that could not turn turtle, something of that kind—some new patent this man Murphy had.

Mr. FERRIS. Did he want you to give him any money?

Mr. BIRD. Oh, no.

Mr. FERRIS. Did he want you to give him a letter to others to extend credit?

Mr. BIRD. Yes. I imagine his idea might be that there were some of our members who built engines for that sort of orders, and therefore—this is only my imagination—it would be logical that I might direct him to some one who built that class of engines.

Mr. FERRIS. Did he say he needed some one to extend credit to him?

Mr. BIRD. Oh, no.

Mr. FERRIS. He didn't say that?

Mr. BIRD. No; he didn't say he needed some one to extend credit to him.

Mr. FERRIS. He was trying to find a place to purchase the engines?

Mr. BIRD. My idea was that he was trying to get in touch with some one who built the engines, with the idea that they would extend credit to him on these engines.

Mr. FERRIS. That is what I understood the first time, that he did want to get something from you that would enable him to get credit.

Mr. BIRD. A letter of introduction to some one who built engines.

Mr. FERRIS. Mr. Mulhall at that time was in the employ of the association?

Mr. BIRD. Oh, yes.

Mr. FERRIS. And did write you that letter, appealing to you to help Mr. McDermott?

Mr. BIRD. Oh, yes.

Mr. FERRIS. And he thought it would take six or eight thousand dollars to buy a pair of engines?

Mr. BIRD. Mr. McDermott advised me it might take six or eight thousand dollars to get a pair of engines with the numerous things that go with them for equipment.

Mr. FERRIS. Did he have a list of members at that time showing where the different members were?

Mr. BIRD. Who?

Mr. FERRIS. Mr. McDermott.

Mr. BIRD. Not to my knowledge.

Mr. FERRIS. Did he have a list of the organizations?

Mr. BIRD. Not to my knowledge.

Mr. FERRIS. Who did he ask you to write a letter to?

Mr. BIRD. No one in particular; some of our members.

Mr. FERRIS. You did have some members up in Connecticut?

Mr. BIRD. Oh, yes.

Mr. FERRIS. Did you have many of them?

Mr. BIRD. Oh, I should say two or three hundred of them.

Mr. FERRIS. You had two or three hundred of them?

Mr. BIRD. Yes.

Mr. FERRIS. Mr. McDermott did not specify a letter to any particular one?

Mr. BIRD. Oh, no.

Mr. FERRIS. But he did tell you he wanted to buy six or eight thousand dollars' worth of engines to equip a flying machine?

Mr. BIRD. I asked the question what the engines cost.

Mr. FERRIS. And that was his reply?

Mr. BIRD. Yes.

Mr. FERRIS. Six or eight thousand dollars?

Mr. BIRD. Six or eight thousand dollars.

Mr. FERRIS. You did not feel sufficiently interested in flying machines to give him a letter of credit or a letter of indorsement?

Mr. BIRD. Oh, no. I must admit I am not much interested in flying machines.

The CHAIRMAN. You say you know McMichael?

Mr. BIRD. No; I never met McMichael until—in fact, I never met him. He was pointed out to me one day in the summer.

The CHAIRMAN. He never called on you in New York?

Mr. BIRD. Oh, I am wrong. Now, you speak of that, he did call at my office one day in 1911, I think, in the summer, and introduced himself. I am wrong on that. I think it was in the summer of 1911.

The CHAIRMAN. And he sought to get some pay from you?

Mr. BIRD. Some money from the association. He said Col. Mulhall owed him some money and he wanted to collect it from me, and I referred him right back to Mr. Mulhall.

The CHAIRMAN. Well, I do not care to go further into that now.

Mr. STAFFORD. I do not quite understand the circumstance that fastens it in your memory that that letter of introduction was in a sealed envelope.

Mr. BIRD. I only assume that because it came in to me and was presented to me by Mr. McDermott. If that letter had been unsealed, it would have been presented by the boy at the desk to Miss Fountain, and he would have brought in the letter without any envelope if it belonged to me.

Mr. STAFFORD. You do not recall what was on the envelope?

Mr. BIRD. Oh, no.

Mr. STAFFORD. Is it not customary that letters of introduction that you give friends are put in unsealed envelopes?

Mr. BIRD. No. As I understand it, we don't.

Mr. STAFFORD. Have you ever done it?

Mr. BIRD. I don't think I have. I don't recall what the fact has always been.

Mr. STAFFORD. I thought it was always considered within the social amenities to let the bearer know what you were saying about him.

Mr. BIRD. I am not up on etiquette.

Mr. STAFFORD. I would not dare say you were not far superior to me on etiquette in that particular. Suppose the envelope had been opened, isn't it possible that Mr. McDermott might have come in and presented it to you?

Mr. BIRD. Why, if she had handed it back to him, but I hardly think she would.

Mr. STAFFORD. Take this supposititious case: I had a letter of introduction, unsealed, to you: I am a Member of Congress, and I go over to your New York office and I say "I would like to see Mr. Bird; I am a Member of Congress."

Mr. BIRD. They would ask you for your card.

Mr. STAFFORD. They would ask for a card and I would show it, and I would be escorted in.

Mr. BIRD. By the young man.

Mr. STAFFORD. She would assume I stated facts, and I would not necessarily take out the letter of introduction until I met you.

Mr. BIRD. I should think not.

Mr. STAFFORD. So there is no certainty that this letter was sealed or unsealed?

Mr. BIRD. As I said at the start, I could not swear the letter was sealed. I only say that it is customary for unsealed letters to be opened by Miss Fountain to see where they belong.

Mr. STAFFORD. You read this letter?

Mr. BIRD. Oh, yes. It is in the testimony in the Senate.

Mr. STAFFORD. I mean, you read it at that time?

Mr. BIRD. Oh, yes.

Mr. STAFFORD. And you read that particular phrase which said, "I know it is not necessary to call your attention to the many good things I have said in my letters concerning Mr. McDermott to you?"

Mr. BIRD. I read the whole letter.

Mr. STAFFORD. Did Mr. McDermott say anything to you about what he had done for the N. A. M.?

Mr. BIRD. Never a word, to my recollection.

Mr. STAFFORD. Did you say you had heard from Mr. Mulhall——

Mr. BIRD. Never a word.

Mr. STAFFORD (continuing). That he had been very friendly, and you would like to extend some consideration to him, but you did not think it was within your province?

Mr. BIRD. I just discussed the flying machine and engines, to my recollection.

Mr. STAFFORD. You just discussed the flying machine and engines?

Mr. BIRD. To tell the truth, Mr. McDermott seemed to be very much abashed at being in the office—rather ill at ease.

Mr. STAFFORD. In asking for money?

Mr. BIRD. Not exactly that; but it might have been the numerous young ladies around the office. [Laughter.]

Mr. STAFFORD. But you would not want to say whether he was abashed by the presence of the young ladies or not?

Mr. BIRD. We have probably 50 or 60 clerks there.

Mr. STAFFORD. Did you address any response to this letter of introduction?

Mr. BIRD. Oh, no.

Mr. STAFFORD. You did not pay any further attention to it?

Mr. BIRD. Oh, no.

Mr. STAFFORD. Do you remember Mr. Mulhall talking to you about it?

Mr. BIRD. Oh, yes; he asked me at one time about it, and asked me if I got it, and I said, "Yes."

Mr. WILLIS. You seem not to have taken the recommendations of Mr. Mulhall very seriously.

Mr. BIRD. We will discuss that later.

Mr. EASBY-SMITH. I have another brief line for this witness, which I want to take up separately.

Now, Mr. Bird, do you recall the severance of the connection of Mr. Mulhall with the association?

Mr. BIRD. Mr. Chairman, I would much prefer not to go into that line of discussion, with your consent.

The CHAIRMAN. Just a moment, Mr. Bird; let us see where it leads. Has it specific reference to Mr. McDermott, Mr. Easby-Smith?

Mr. EASBY-SMITH. Yes. I will state the line, Mr. Chairman. I wish to show about what time the discussions arose which resulted in Mr. Mulhall's leaving the association, and I also want to ask this witness, in view of Mr. Mulhall's testimony, whether or not there was any rescission of the association's letter to Mr. Mulhall in October ordering him not to do any further work for the association.

The CHAIRMAN. That has a bearing, you think, upon the testimony with reference to him and with reference to what else? It has no bearing whatever with reference to him.

Mr. EASBY-SMITH. It has a bearing in relation to the relations between Mr. McDermott and Mr. Mulhall.

The CHAIRMAN. I think we will have to have that at this time, Mr. Bird, in justification of Mr. McDermott. I do not believe it is necessary for you to go into the details, however.

Mr. EASBY-SMITH. I just want to ask you briefly, Mr. Bird, just about when the discussions arose which led to the resignation of Mr. Mulhall?

Mr. BIRD. The 27th of September, 1911.

Mr. EASBY-SMITH. And I believe the record shows they were in relation to his accounts?

Mr. BIRD. No. It had nothing to do with his accounts at that time.

Mr. EASBY-SMITH. Were they in relation to his reports or conduct; which?

Mr. BIRD. It is in relation to an activity he engaged in without the consent or knowledge of the association.

Mr. EASBY-SMITH. And you requested of him a letter of resignation, telling him to cease any further activities, although he would be paid until the end of the year?

Mr. BIRD. He was suspended on September 27, 1911.

Mr. EASBY-SMITH. He was suspended on September 27, 1911?

Mr. BIRD. Yes.

Mr. EASBY-SMITH. And, so far as you know, from September 27, 1911, and thereafter, did he with the approval of you or any other member of the association engage in any work on behalf of the National Association of Manufacturers?

Mr. BIRD. I can only speak for myself and say he engaged in no activity for me. He was suspended, and that was the end of it.

Mr. EASBY-SMITH. Within your knowledge, did he engage in any activity for the National Association of Manufacturers?

Mr. BIRD. Oh, yes; he wrote and said he did. That is all I know.

Mr. EASBY-SMITH. Who said?

Mr. BIRD. Mr. Mulhall wrote and said he did.

Mr. EASBY-SMITH. So far as you know, that was without authorization?

Mr. BIRD. Absolutely without my authority.

Mr. RUSSELL. But you did tell him you would pay his salary up to the end of the year?

Mr. BIRD. The board of directors, when they accepted his resignation, agreed to pay him until December; but he was positively suspended on September 27, 1911, and his letter of resignation was accepted the 23d day of October, 1911.

Mr. RUSSELL. He was to render no further service after September 27, 1911, and be under no further obligations to the company?

Mr. BIRD. Absolutely none.

Mr. RUSSELL. Why was it they paid his salary for two or three months after he was suspended?

Mr. BIRD. Purely charity—good wishes—good will.

Mr. RUSSELL. Simply a matter of charity?

Mr. BIRD. Yes, sir.

Mr. RUSSELL. That is, as a matter of gratitude for the services he had rendered?

Mr. BIRD. I should not say so.

Mr. RUSSELL. The fact is the services he rendered were satisfactory while he was rendering them, were they not?

Mr. BIRD. Mr. Chairman, I would rather not go into a discussion of that matter now.

Mr. RUSSELL. I will withdraw the question.

Mr. BIRD. I am perfectly willing to answer any questions when I come before you——

The CHAIRMAN. The question is withdrawn.

Mr. BIRD. All right.

The CHAIRMAN. Mr. Bird, you may be excused. Mr. Easby-Smith, that concludes your examination?

Mr. EASBY-SMITH. That is all the witnesses I have here at the present time, Mr. Chairman.

(Thereupon, at 5 o'clock p. m., the committee adjourned until to-morrow, Thursday, August 28, 1913, at 10.30 o'clock a. m.)

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